

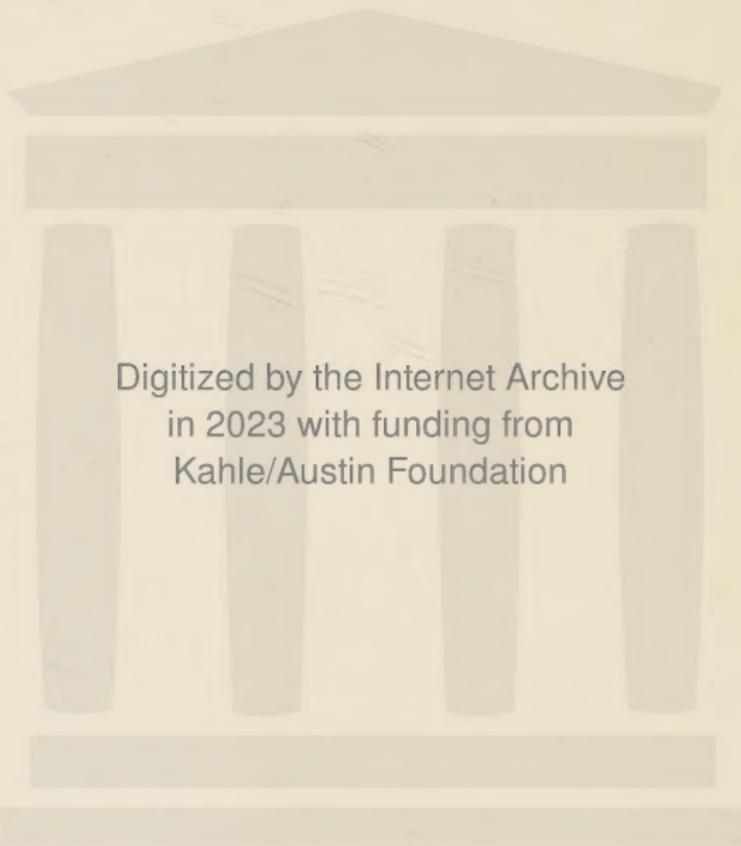
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MACAULAY'S
Speeches on Copyright

LINCOLN'S
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MACAULAY'S SPEECHES ON COPYRIGHT

AND

LINCOLN'S ADDRESS AT COOPER UNION

EDITED WITH INTRODUCTIONS AND NOTES

BY

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GENERAL INTRODUCTION

I. MACAULAY AND LINCOLN

THE three speeches included in this volume have been placed by the Conference on Uniform College Entrance Requirements in English on the list of books for Study and Practice for the years 1915-19 inclusive. It would be hard to find three speeches simpler, clearer, more convincing, or better organized. These qualities secured in a measure that has seldom been equaled the immediate results desired by both orators. Macaulay's *First Copyright Speech* converted a majority of one hundred and twelve in the House of Commons into a minority of seven. His *Second Copyright Speech* carried by ninety-six votes to seventeen the most essential provisions which still characterize the British copyright laws. As Mr. Charles C. Nott puts it, when Lincoln rose to speak at Cooper Union on the evening of February 27, 1860, he was regarded by his audience as a successful stump speaker from Illinois; when he sat down, they knew that he was not only a statesman, but a statesman peculiarly fitted for the exigency of the hour. He himself said that this speech made him President.

Thomas Babington Macaulay and Abraham Lincoln, to the superficial observer, appear to have had little in common. Macaulay grew up in a society distinguished for its culture; Lincoln's youth was passed in the backwoods. Macaulay was educated at Cambridge in the midst of ancient libraries, carved stones, and stained-glass windows; Lincoln was never in a college or academy as a student, and all his schooling did not amount to one year. At the age of twenty-five, Macaulay woke up one morning to find himself famous; Lincoln was nearly twice that age before his reputation began to overflow the boundaries of his adopted State.

In the oratorical style of the two men there are some easily detected differences that are probably due to these differences in their training and environment. Macaulay's sentences and paragraphs are more uniformly well constructed than Lincoln's. His grammar is surer. He says more exactly what he wishes to say. While Lincoln rarely draws an allusion from any source except American history and the Bible, Macaulay's pages are illuminated by references to the whole past of the human race.

In reality, however, they had much in common. Both were virile. Both were honest. Both were intensely human. Though each had enough Quaker blood in his veins to make him beware of entrance to a quarrel, both were good fighters. Both had in an extraordinary degree the faculty of seeing things straight, and both were endowed as few men have been with the power of telling what they saw. Both were wits. Both were logicians. Both hated slavery. Macaulay's first public speech was directed against its extension in the British colonies. On one occasion he resigned the office on which his bread and butter depended in order to be free to vote against it. Of it Lincoln said : "I have always thought that all men should be free ; but, if any should be slaves, it should be those first who desire it for themselves, and secondly those who desire it for others." As models of probity and purity in public and private life the two men may well stand side by side. Nobody has ever breathed a word against the honor of either. The severest indictment that anybody has yet made of Macaulay's character is that he did not like dogs. Lincoln as a boy walked five miles to return six cents to a woman whom he had short-changed.

Lincoln was primarily a statesman and incidentally a man of letters ; Macaulay was primarily a man of letters and incidentally a statesman. Yet each in his secondary field was very great. There are critics who prefer Macaulay's speeches to his essays. Lincoln's speeches are probably the best yet made by any American. They are surely among the best in the English language. His First Inaugural has been called the greatest state paper of the

nineteenth century. His Gettysburg Speech has been compared to the Sermon on the Mount.

In Dr. Johnson's Life of Alexander Pope, there is a comparison between that poet and John Dryden which, by the alteration of a few words, may be made to describe almost exactly the relation in which as writers Lincoln and Macaulay stand to each other. The style of Lincoln is capricious and varied ; that of Macaulay is cautious and uniform. Lincoln observes the motions of his own mind ; Macaulay constrains his mind to his own rules of composition. Lincoln is sometimes vehement and rapid ; Macaulay is always smooth, uniform, and polished. Lincoln's page is a natural field, rising into inequalities and diversified by the varied exuberance of abundant vegetation ; Macaulay's is a velvet lawn, shaven by the lawn mower and leveled by the roller. Of genius, that power which constitutes an orator, that quality without which judgment is cold and knowledge is inert, the superiority must without hesitation be allowed to Lincoln ; but it is not to be inferred that of this vigor Macaulay had only a little because Lincoln had more. If the flights of Lincoln are higher, Macaulay continues longer on the wing. If of Lincoln's fire the blaze is brighter, of Macaulay's the heat is more regular and constant. Lincoln often surpasses expectation, and Macaulay never falls below it. Lincoln is read with frequent astonishment, and Macaulay with perpetual delight. In Lincoln, in other words, is embodied the quintessence of the Anglo-Saxon spirit, its large intolerance of restraint, its humor, its disdain of theory, its love of concrete justice ; in Macaulay, we find precisely the same characteristics, softened by education, by peace, and by prosperity, and unaroused by the supreme necessity that confronted Lincoln. In both writers there is a message for young and old on either side of the Atlantic and wherever the English language is read or spoken.

II. THE STUDY OF ORATORY

In studying a speech, the one indispensable thing is to find out what it means. If this is done, everything else as

a matter of course will follow. If it is not, everything else will be useless.

In order to find out what a speech means, one needs to know how, when, where, and, above all, why it was delivered. In the introductory matter preceding the text of the speeches an attempt is made to supply enough information on these points.

To estimate aright the value of a speech the student needs also to have some conception of the way in which the standard orations of the world are built. A formal oration constructed according to the rules of Aristotle consists of six parts : —

1. *Exordium, or Introduction.* The function of this is to bring the audience into such a frame of mind that they will readily listen to the speaker.

2. *Status, or Proposition.* Here the speaker states the point he wishes to prove and sometimes outlines the plan of his discussion.

3. *Statement of Facts.* This contains such an exposition of the facts involved as is necessary as a foundation of the argument that is to follow.

4. *Argument.* This is the essential part of the speech. It is to prepare for this that all of the foregoing parts are built ; they are foundations ; the argument is the superstructure. With the possible exception of the status, it is the only part of an oration that cannot be omitted.

5. *Refutation.* Here the orator shows the weakness of other plans and answers objections to his own.

6. *Peroration, or Conclusion.* At times this takes the form of a restatement of the points made ; at other times it consists of the introduction of resolutions ; and at still others it is an impassioned appeal to the audience, urging them to act.

The function of oratory, indeed, is to persuade people to act. Every real oration grows out of the desire of the speaker to get his audience to do some definite thing. Every well-constructed oration has, therefore, one central thought. With this the orator starts. Around it he builds up his speech.

In order to understand an oration it is necessary to discover what the central idea is. One good way of doing this is as follows: —

1. Reduce each paragraph to one sentence that states clearly the central idea of the paragraph.

2. Group in paragraphs the sentences thus obtained. If this and the work outlined in (1) are done accurately, the first paragraph will represent the Exordium, the second the Status, and so on, provided always that the speech is regular in its construction. If it is not, this step will reveal that fact.

3. Reduce each of the paragraphs obtained by (2) to one sentence stating its central idea. You have now reduced the oration to one paragraph of six sentences, unless, as is likely, you may have found it necessary to use two or three sentences for the Statement of Facts and two or three for the Argument.

4. Reduce this paragraph to one sentence. If your work has been done correctly, this sentence will embody the central idea with which the orator started.

This process, which, in contradistinction to composition, may be called de-composition, is really nothing more nor less than very careful reading. It is what every careful reader does more or less consciously. As a training in judgment it is about as good as anything that can be devised, because it compels the reader at every step to disentangle the illustrations from the points illustrated, the frame from the sheathing, the essentials from the illustrations and the ornaments.

To make the whole matter a little clearer, let us subject Burke's *Speech on Conciliation with America*¹ to this process, or rather to steps (3) and (4), as we have not space for a complete analysis. Steps (1) and (2) being assumed, we should have about this result when we have completed (3): —

Exordium. The present crisis is such that the House of Commons ought, in view of my record since 1766 on

¹ Riverside Literature Series No. 100.

this subject, to listen respectfully if not gladly to what I have to say about America.

Status. I propose conciliation.

Statement of Facts. America is too powerful by reason of population, commerce, and agriculture, to be coerced into submission, especially since the Americans, owing to their origin, their language, their religion, their ownership of slaves, their intelligence, and their remoteness from England, are characterized by a fierce love of freedom.

Argument. You cannot overcome this spirit by removing its causes; they are too deeply rooted. You cannot proceed against it as criminal; there is no way to indict a nation. It would be foolish to think of giving up America. Only one course remains, to comply with this spirit as necessary. I propose, therefore, that we formally grant them the same rights granted, on occasions and for reasons similar to the present, to Wales, Ireland, Chester, and Durham, except that, on account of their distance, instead of inviting them to send members to Parliament, we formally acknowledge that their colonial assemblies have the power to grant or withhold supplies to the Crown, as they see fit.

Refutation. The plans hitherto tried by the ministry have produced nothing but disorder.

Peroration. My scheme will restore concord to the British Empire.

The last step is easy, it being clear that Burke's central idea is something like this: "Force having failed to settle the American question, let us try Conciliation."

One of the best things about this scheme is that it affords a good safeguard against misunderstanding an author's meaning. No student who has faithfully performed all of these steps, it may be added, will ever regard a good speech as being arid or unprofitable.

The principle involved is, of course, general in its scope. It may be profitably used in the study of any masterpiece of exposition or argumentation. In the study of the speeches in this book, it is suggested, therefore, that the processes outlined above may be usefully employed.

INTRODUCTION TO MACAULAY'S SPEECHES ON COPYRIGHT

I. BIOGRAPHICAL SKETCH OF MACAULAY

WHEN I was a student in the high school, one of my teachers caused me to take from the library the first volume of Macaulay's *Essays*. I still remember its red binding, the pleasant spring morning, and how, as I walked home, I opened the book and discovered that literature may be interesting even to a boy. From that moment Macaulay has been my guide, philosopher, and friend; and though, as time has passed on, I have found that it is unfashionable, in some learned societies, to admire him, I must confess that there are few writers whom I like better to read or to talk about than Thomas Babington, Baron Macaulay of Rothley Temple, as the peerages and encyclopedias call him, or plain Tom Macaulay, as his simplicity, manliness, and perennial boyish vigor tempt me to think of him.

He is, indeed, one of the wholesomest figures in history. As a man he was honest, simple, strenuous, gentle; as a writer he is brilliant yet clear, witty yet instructive, polished yet full of human interest. These qualities, in the last analysis, are, I take it, the secret of the great popularity which, in spite of the lapse of time and the wrath of hostile critics, Macaulay continues in ever-increasing measure to enjoy.

I shall make no apology for speaking of the chronology of Macaulay's career. All well-regulated minds believe in dates just as they do in having hooks to hang clothes on. A lack of them is slovenly. If you have more than one intellectual garment you must have them or there is chaos in the household. They are the pegs on which to hang information.

Fortunately, Macaulay was born in 1800, and the

chronology of his life is therefore the easiest in the world to remember. He was born in Leicestershire, but he grew up in London until he was thirteen, at which age, in happy defiance of superstition, he was sent away to school. His father was a crusty Puritan of sterling character and common sense, who hated slavery, uncombed hair, loud talk, novels, and all other forms of sin, weakness, and diversion. This worthy gentleman knew intimately many of the best men of his time, grew rich in trade, and waxed poor again in a successful fight against slavery. Macaulay's mother was a Quakeress and had a knack of telling stories; he said that he got his joviality from her.

In the days of his maturity, Macaulay had the good luck to offend that same Christopher North whom Tennyson in his wrath later immortalized as "Fusty Christopher." North spitefully declared in those days that Macaulay would never be anything but a clever lad all the days of his life, a remark which the student, as he contemplates Macaulay's vitality and the fascination he exerts over boys, must recognize as containing a kernel of reason which, rightly understood, may be construed as a compliment. If, in his manhood, however, Macaulay remained half a boy, in his childhood he was already half a

Precocity man. His precocity was noteworthy. From the age of three he read constantly, lying for the most part on the floor before a grate fire, with a book as big as himself held open by one hand and a piece of bread and butter in the other. When he was old enough to go to school his mother told him that he must learn to study without the solace of bread and butter. "Yes, mamma," he replied, "industry shall be my bread and attention my butter." As a matter of fact, however, he hated school. Probably he found that the routine interrupted the course of his studies. At all events, he would beg piteously, whenever it rained, which in London is practically every day, to be allowed to stay at home; but to these appeals his mother always replied: "No, Tom. If it rains cats and dogs, you shall go." It is no wonder that he preferred his own in-

tellectual pursuits to those of the schoolroom, for the former speedily became vast and fascinating. At eight he had already written an epic poem, compiled a digest of universal history, and composed a paper which was "to be translated into Malabar" to persuade the people of Travancore to embrace the Christian religion. Aside from his literary activity, however, he displayed the same instincts as an ordinary child. He set aside a portion of the infinitesimal back yard, for instance, as his own, marking it off by a row of oyster shells. One day a maid threw these away as rubbish. When Tom discovered the outrage, he marched straight to his mother, who was entertaining some ladies in the parlor, and said very solemnly in the presence of the entire company: "Cursed be Sally, for it is written, 'Cursed is he that removeth his neighbor's landmark!'" On another occasion, at Lady Waldegrave's, a servant spilled some hot coffee on his legs. His hostess was greatly grieved at the accident, and inquired solicitously how he felt. After a time the little fellow looked up gravely and said, suppressing a sob, as we may guess: "Thank you, madam, the agony is abated." He was then perhaps six years old.

A little later his mother took him with her one day when she went to make an afternoon call. While the ladies gossiped, Tom was busy with a book which he found on the parlor table. It was the *Lay of the Last Minstrel*. Upon returning home he repeated page after page of it to his mother until, from sheer exhaustion, she stopped him. The secret of the immense learning which adorns his pages may be inferred from this incident. To the temptation to show off these powers, his parents, happily, never yielded. Tom grew up unconscious of the fact that he knew more than other boys of his age. Indeed, it seems probable that he never found it out, for in his essays he again and again ascribes such extraordinary learning to the ordinary youth that Macaulay's schoolboy is at once the inspiration and despair of every ambitious youngster and the classic scoff of every callous pedagogue.

In 1813 he was sent to a private school kept by a Mr.

Preston, near Cambridge. Here, for five years, he studied Greek, Latin, and mathematics; absorbed literature; and rigorously abstained from society and athletics.

Macaulay entered Trinity College, Cambridge, in 1818. His career there was ideal and idyllic; it was a credit both to him and to Trinity. He studied languages, read books, and attended chapel in a fashion that must have won the approval of the faculty. He sat up all night talking polities and drinking tea with the boys. He made a reputation as a debater. He won the chancellor's medal for English verse. Upon graduation, he earned a fellowship which secured him, to quote his own appreciative words, three hundred pounds a year, a stable for his horse, six dozen of audit ale every Christmas, a roll and two pats of butter for breakfast every morning, and a good dinner for nothing, with as many almonds and raisins as he could eat at dessert. Not the least human and interesting feature of his college career is furnished by his dislike of mathematics, which he never ceased to denounce as long as it was his business to learn them, though in later years he frankly confessed and regretted that he lacked certain qualities of mind which a rigorous training in mathematics is pretty sure to give.

To crown his university career and bring it within the range of universal human interest, he was forced, near the end of his course, to step down from the luxurious position of an elder son whose father was worth £100,000, and not only to earn his own way, but to support his father as well. This he did with a cheerfulness which did him honor, although, for a time, he was reduced to such poverty that he had to sell the medals which he had won at college. Thus Zachary Macaulay's devotion to the abolition of slavery, though it reduced him to poverty, exhibited his son in a light which enriches literature. If this is not more heroic, it is more agreeable than the dyspeptic scolding and grumbling of Thomas Carlyle, his great rival and contemporary.

His good nature, indeed, was one of Macaulay's most noteworthy traits. He loved to play and romp with children. His relations with his sisters were charming. Read

his letters to them; you cannot afford to miss their gossipy kindness and brilliancy. Somebody described him as looking like a lump of good humor. On the most trivial and most trying occasions this kept bubbling up. Once he hurt his hand and had to send for a barber to shave him. When the operation was finished, Macaulay asked what he was to pay. "Whatever you give the person who usually shaves you," said the man. "In that case," was the reply, "I should give you a great gash on each cheek." At Cambridge during his college days he got mixed up in a political riot on one occasion and received a dead cat full in the face. The man who had thrown it came up and apologized very civilly, explaining that he had meant it for Mr. Adeane. "I wish," said Macaulay, "that you had meant it for me and had hit Mr. Adeane."

Traits of Character

This readiness in repartee made him a favorite in society. He lived on intimate terms with the most brilliant and famous set in London. He was an everlasting talker; his conversation might, indeed, be described as good — and too abundant. One of his enemies called him Mr. "Babbletongue" Macaulay. One of his friends said to the assembled company, on an occasion when Macaulay was late, "If you have anything to say, say it now; Macaulay is coming." Sydney Smith called him a book in breeches. "He has," says that famous divine, "occasional flashes of silence that make his conversation perfectly delightful."

His father wished him to be a lawyer, and in compliance with his wishes Thomas studied enough to gain admission to the Bar and rewrite the Indian penal code; but he never practiced. His real vocation from the first was literature.

At college he wrote capital poems, stories, and essays for Knight's *Quarterly Magazine*; and in 1825 his vocation was definitely revealed to him and the world by the brilliant success of his first contribution to the *Edinburgh Review*, the essay on Milton. Like Byron, he woke up one morning and found himself famous. His breakfast table was covered with invitations to dinner from all parts of

London. Murray, the editor of the *Quarterly Review*, declared it would be worth the copyright of *Childe Harold* to have him on its staff. Jeffrey, the editor of the *Edinburgh Review*, wrote to him : "The more I think the less I can conceive where you picked up that style."

"That style!" What is the secret of its charm? What is there about it which has made Macaulay the favorite

Literary Style serious author, next after Shakespeare and the Bible, of the Anglo-Saxon race? I am not sure

that I can answer these questions, but I can suggest a few reasons which may account somewhat for this phenomenon: (1) He is intensely human. He loves, hates, laughs, berates heartily. (2) His works present a singularly judicious mixture of opposite qualities. He steers from grave to gay, from lively to severe, with a skill second only to Shakespeare's. (3) The lucidity of his style has never been surpassed. It is almost impossible to mistake the meaning of one of his sentences. He who runs may read, but nobody runs away from Macaulay. Whenever there is any doubt about what he intends to say, he says it over again or explains it in the next sentence. Failure to understand this simple fact sometimes makes readers consider him hard to follow and leads editors to produce weird notes explaining badly what Macaulay himself has already explained preëminently well. (4) He possesses most of the qualities of an ideal schoolmaster. He teaches, but he does not let his readers know that he teaches. He constantly flatters and stimulates you by assuming that you know more than you do. There is probably not a page of his essays in which he has not been guided, consciously or otherwise, by Pope's maxim : —

Fools must be taught as if you taught them not,
And things unknown proposed as things forgot.

A noted writer on education regrets the wealth of his allusions, but these same allusions, if rightly understood, constitute one of the best reasons why young people should read Macaulay. They arouse curiosity always, and not seldom convey information. (5) Most essayists appeal chiefly

to the judgment and the reason. Macaulay is constantly doing this, but he is also alive to the importance of the imagination. Like all good teachers, he knows how to make pictures. Critics say he is shallow, because he does not analyze motives. While Carlyle shows us Johnson's soul, they tell us, Macaulay shows us only his ugly face. This criticism is just precisely as it is just to say that the manikins used in medical schools to show the inner workings of frail human flesh, are greater works of art than the Apollo Belvedere or the Venus de' Medici. No writer ever made a picture as lifelike as Macaulay's Johnson unless he understood the soul behind the man's exterior. As a matter of fact, Macaulay's picture of Johnson is a much more finished product than Carlyle's. He begins where Carlyle leaves off. The truth appears to be that Macaulay's critics reason somewhat after this fashion: "We never understood anything before. We can understand Macaulay. Therefore Macaulay must be shallow." They seem to forget that a puddle in the street may be opaque without being deep, and that water in the ocean may be as deep as truth without being opaque. (6) He is tolerant of everything except tyranny and injustice; he is the champion of all that is sane in democratic institutions; and throughout his works there is a strong, wholesome, and invigorating spirit of moral earnestness.

Either these qualities or some others found approval with the people, for it was soon apparent that the *Edinburgh Review* had a much larger circulation when it contained an article by him than when it did not. For twenty years he was the chief pillar of its popularity. During that time he contributed to it in all thirty-six papers, varying in length from twenty-two to one hundred and twenty-nine quarto pages, and ranging in subject from Mr. Robert Montgomery's poems to Lord Bacon's philosophy. It is impossible here to give an adequate idea of their contents or style; I will not attempt it. I will urge you, however, to read the essays on John Milton, Warren Hastings, and Croker's Boswell. If they do not make you devoted Macaulayites, I give you up in despair.

The Edinburgh Review

It must not be understood, however, that Macaulay, during this period, devoted himself wholly to literature.

His vocation from 1830 to 1847 was really politics and politics of the most absorbing interest. He obtained a seat in Parliament in the former year as representative for the pocket borough of Calne and immediately gave the entire support of his eloquence to a reform which swept his constituency out of existence. In six great speeches between March, 1831, and February, 1832, he won recognition as a master in debate by the battle that he fought for the right of the English voter to be fairly represented. There were those then who pronounced him the best speaker in England, and there are those now who go so far as to say that his speeches are better than his essays. Two things are sure. There are no more entertaining speeches in print than those he made on copyright; and no oratory, ancient or modern, ever converted defeat into victory by sheer force of logic more completely than these. So large, in fact, was Macaulay's success as an orator that, in 1834, he was rewarded by an appointment in India which was worth £10,000 a year. Upon his great and permanent services to that unhappy country we have, unfortunately, no space to dwell. Suffice it to say that he accomplished much for justice and for education. In India he remained five years. Upon his return to England he reentered Parliament. Of his subsequent speeches those in which he advocated the removal of the civil disabilities of Jews and Catholics show his freedom from prejudice and his ability to take large views, but my own favorite is his noble plea for public education. He sat during these years for Edinburgh, but in 1847 he lost his seat owing to the fact that the barkeepers and the ministers of that city combined against him. The barkeepers were angry because he had voted for a higher tax on beer; the clergy were displeased because he had supported a grant to a Catholic college in Ireland. Half a dozen other seats were instantly offered him, but he embraced the opportunity to quit politics in order to devote himself to a greater literary task than any he had yet undertaken. Five

years later his Edinburgh constituents, thoroughly ashamed of themselves, made what reparation they could by sending him back to Parliament.

In the mean time he was busy with his *History of England*. It was his purpose to give an account of all the important transactions between 1688, when the Crown was brought into harmony with the Parliament, and 1832, when the Parliament was brought into harmony with the people. Two volumes were published in 1848 and two more in 1855. Their success was instantaneous and permanent. Honors were showered on the author from the four quarters of the globe. In one week he received letters of congratulation from people at Charleston, people at Heidelberg, and people at Paris. In one check, Mr. Longman paid him £20,000, which still remains the largest lump sum ever paid for literary remuneration in any country.

History of England

The causes of this immense success were in the main the same as the causes of the success of his essays. There was the same vigorous, lucid, and at times caustic style, which made reading easy and stimulating to even the weariest minds. There was the same rich store of allusions, which flattered those who understood them and aroused the curiosity of those who did not. There were vast knowledge, cheerful optimism, and a power of narration which is so vivid that the work has all the interest of a novel.

These qualities, however, found less favor in the following generation. A new school of historians arose, who sought to reduce history to a science. The result was more or less of an attempt to discredit Macaulay. While everybody admitted that his narrative was admirably picturesque, his historical method was pronounced out of date by those who preferred Buckle, who explained everything by environment, and Taine, who explained everything by climate. At the same time Freeman, Stubbs, Creighton, and Gardiner by their writings made it fashionable to consider human interest as of less consequence than documentary evidence.

As a matter of fact, these writers, in comparison with Macaulay, are quarrymen rather than architects. They give us the material for history instead of history itself. Their histories are for the most part as shapeless as piles of brick and stone, while his is a stately mansion.

This stately mansion, however, was never completed. The first four volumes covered only twelve years. Somebody has calculated that, at the rate he was progressing, it would have taken Macaulay one hundred and thirty years to complete his task. To render the situation still more hopeless, his health broke down. A stroke of heart failure, in 1852, made him, to quote his own words, twenty years older in one week. Thereafter he was never well. Yet, even amidst the ruins of his hopes and ambitions, he allowed no word of complaint to escape him. In his private diary, under the date of December 31, 1853, he wrote: "I enjoy this invalid life extremely."

One great mark of distinction came to him during these closing years. In 1857, Queen Victoria made him Baron

Death Macaulay of Rothley. He died December 28, 1859, falling peacefully asleep among his books at Holly Lodge, Hampden Hill. Upon his desk, not yet sealed, were found a letter to a poor clergyman and a check for twenty pounds, both prepared evidently in reply to an appeal for assistance.

I would gladly pause to dwell on a score of topics at which I have hardly time to hint. I should like to speak at length of Macaulay's Scotch ancestry, his father's distinguished services to humanity, the lifelong battle which he waged with Carlyle, his fondness for bad novels, his hatred of bad poets, his slovenly clothes, his strange predilection for embroidered waistcoats, his enormous consumption of razor strops, the fine audacity with which he abused his constituents, his munificent and unostentatious charity, the terrors of his invective, his hatred of those Americans who carry red notebooks, his voluminous reading, the lessons in statecraft which he gave Gladstone, the delight with which even Christopher North hailed the *Lays of Ancient*

Rome, his anxiety that his books should be accurately punctuated, his complete familiarity with Herodotus and Thucydides and his complete ignorance of Carlyle and Ruskin. Since this is impossible, I will advise you to do something better; I will advise you to get what is, on the whole, the most entertaining biography in the English language, the *Life of Macaulay*, by his nephew, Sir George Otto Trevelyan. In it you will find all of these things and many more which are wholesome and inspiring to a degree of which my words can give only a faint idea.

Macaulay rests with his peers in Westminster Abbey. "There," — I am quoting the last words of Trevelyan's remarkable book, — "among the tombs of Haydn and Goldsmith and Burke and Garrick and Johnson, stands conspicuous the monument of Addison, and at the feet of Addison lies the stone which bears the inscription : —

Thomas Babington, Baron Macaulay

Born Oct. 25, 1800

Died Dec. 28, 1859

'His body is buried in peace but his name liveth forevermore.'"

On one topic, however, I must say a word more, a word which will be of value to every person who ever has occasion — and who does not? — to explain anything to another person. The secret of Macaulay's clearness of style was due, according to his own statements, to three things: (1) He was in the habit of building air castles. (2) He was constantly telling stories to children. (3) He rewrote and rewrote and rewrote.

II. COPYRIGHT

Copyright is an exclusive right given by law to an author, artist, sculptor, musical composer, designer, or photographer to multiply and publish copies of his productions. It corresponds in principle to the exclusive right conferred by patent upon an inventor.

Copyright is of comparatively recent origin. The Roman law provided that, if a man wrote anything on a parch-

ment belonging to another, the writing was the property of the owner of the parchment, but is otherwise silent on the subject. In England the question of literary property did not become important until the invention of printing had made the unlimited multiplication of copies cheap and easy. From the first, authors had perpetual protection under the common law. Up to 1679 they were also protected incidentally by the system of licensing which Milton condemns in his *Areopagitica*. The refusal of Parliament in that year to renew the licensing act removed this protection and caused so much literary piracy that, in 1709, a statute was passed for the protection of authors and their assigns. This statute, which granted the exclusive right of production for fourteen years from the date of publication, was the first copyright act. It provided also for a renewal of fourteen years in case the author was still the owner of the book.

Until 1774 it was supposed that this statute had not interfered with an author's common-law right to perpetual ownership of his works, but had merely confirmed that right for the period specified. In that year, however, the House of Lords, which is the supreme court of appeal in England, decided that the statute of 1709 had superseded the common law.

In spite of strenuous efforts to change this decision by changing the law, it remained the same until 1814, when the period was increased to twenty-eight years, or until the author's death, in case he survived for a longer time.

This arrangement was, however, from the first considered ungenerous by authors and publishers, and by 1840 was beginning to be so regarded by the world at large.

Accordingly, on January 27, 1841, Sergeant Thomas Noon Talfourd moved for leave to bring into the House of Commons a bill to amend the law of copyright so as to make the term of protection sixty years after the author's death. On the following day his proposition was opposed by Mr. Warburton, whose argument, in substance, was as follows: "Though a man has as much right to property in the results of intellectual labor as in the results of any

other kind of labor, it must be remembered that there is no such thing as a natural right to the products of any kind of labor. So-called rights grow only from expediency. If everybody is entitled to the products of his labor, there can be no taxes, rent, or interest. The common law on this subject is based on expediency. The interests of authors, publishers, and readers must all be considered." Mr. Warburton was followed by Mr. Joseph Hume, who said the bill would increase the difficulty of acquiring knowledge. "It would make books dear. When the monopoly was removed from the printing of Bibles in Scotland, their price fell forty per cent." Thereupon the House divided, one hundred and forty-two voting with Sergeant Talfourd and thirty against. Macaulay was absent.

The bill came up for its second reading on February 5, 1841. Talfourd on this occasion argued in behalf of his measure as follows: "Authors have as much right to perpetual copyright as landowners have to perpetual ownership. Publishers and authors, however, are alike satisfied with sixty years. My proposition is not only right but expedient. It will not make books dearer. My bill enables authors to preserve the purity of their works. It rewards books slow in production, high in aim, and lasting in durability." He was followed by Macaulay, who made the first of the speeches printed in this book. Talfourd continued the debate, saying: "Macaulay's argument against literary property is just as good against all property. I would have said nothing more at this time had not my Right Honorable friend thrown the weight of his authority, the grace of his eloquence, and the fascination of his style into the scale. The voices of Wordsworth and Southey, of Moore and Rogers, of Coleridge speaking from the grave, and of the son of Scott, should, however, weigh against all the prowess and genius of my Right Honorable friend's address." Talfourd's plea was unavailing. Macaulay's eloquence had turned the scale. When the vote was taken there were thirty-eight ayes and forty-five noes. Of those forty-five, thirteen had voted for the bill on its first reading. It is seldom that one man by means of argument alone has

been able in the House of Commons or anywhere else to turn a majority of one hundred and twelve into a minority of seven. The wonder grows when one reflects that, voting against Macaulay, and doubtless using all of their great influence to defeat him on this question, were Sir Edward Lytton Bulwer, Benjamin Disraeli, William E. Gladstone, Daniel O'Connell, and Lord John Russell.

After his defeat, Talfourd is said, in the bitterness of his disappointment, to have exclaimed that Literature's own familiar friend, in whom she trusted, and who had eaten of her bread, had lifted up his heel against her. "A writer of eminence," says Trevelyan, "has since echoed the complaint; but none can refuse a tribute of respect to a man who, on high grounds of public expediency, thought himself bound to employ all that he possessed of energy and ability on the task of preventing himself from being placed in a position to found a fortune which, by the year 1919, might well have ranked among the largest funded estates in the country."

Talfourd did not sit in the Parliament of 1842, but his friend, Viscount Mahon, renewed the battle on March 4 of that year with a bill that provided for twenty-five years' copyright, dating from the death of the author. On April 6, Lord Mahon made an effective speech in behalf of his proposition. After reviewing the history of copyright, he said: "Authors have as much right to their work as laborers or landowners. Macaulay's claim that a long copyright would have resulted in vesting in Dr. Johnson's servant, Black Frank, the ownership of some of his works, prompts me to say that, had the copyright law been a just law, Dr. Johnson would have had enough money to marry and would have left his money to his widow and not to Black Frank. I propose twenty-five years from an author's death, the whole term never to be less than what it is now, twenty-eight years. I tax only the best books, as ephemeral books lose their commercial value long before the present term expires. I therefore encourage the writing of good books, but not of trashy books."

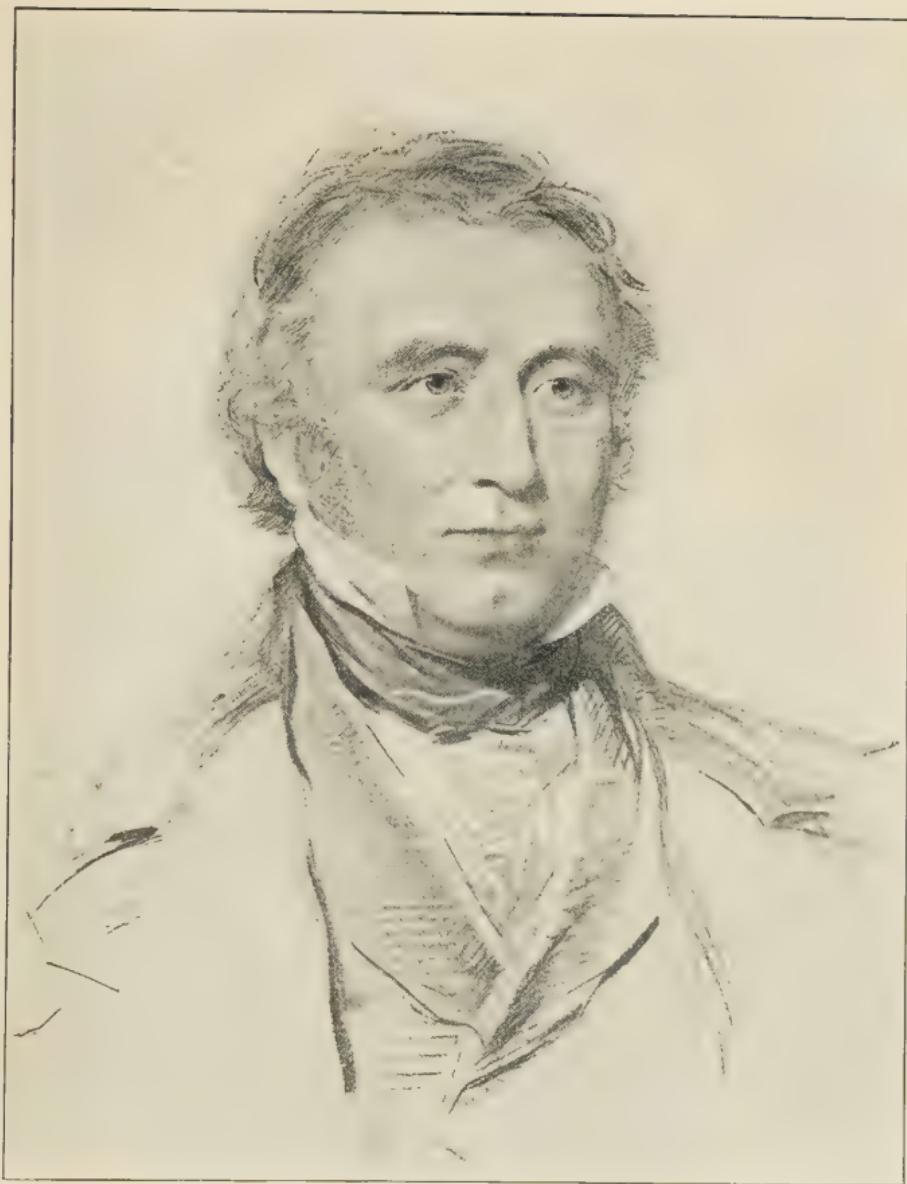
In reply to Lord Mahon's speech, Macaulay then rose

and made his second copyright speech, in which he brought forward the counter-proposition that the term of copyright should be forty-two years reckoned from the day of publication, or until the author's death. Trevelyan characterizes this speech as "terse, elegant, and vigorous; as amusing as an essay of Elia, and as convincing as a proof of Euclid." When he resumed his seat, Sir Robert Peel walked across the floor and assured him that the last twenty minutes had radically altered his own views on the law of copyright.

The fight, however, was not yet over. Sir R. H. Inglis rose and said: "No one can follow Macaulay, but I must call your attention to the fact that his proposition makes no provision for the families of deceased authors. America is more liberal than Macaulay. His bill would injure Wordsworth, Campbell, and Southey."

Macaulay then moved to change "twenty-five years after death" to "forty-two years after publication or to death." Sir Robert Peel said he favored Macaulay's plan, but suggested an additional period of seven years after death. Macaulay opposed Sir Robert's seven-year proposition. Lord John Russell declared himself to be for Lord Mahon's bill. The House divided on the motion that the words "twenty-five years after death" stand part of the clause. It was lost by fifty-six ayes to sixty-eight noes.

On the motion that the words "a further term of seven years" be added, the ayes were ninety-one and the noes thirty-three. A motion that the term be left at twenty-eight years was then made and lost, the ayes being twenty-two and the noes one hundred and one. Macaulay's proposition of forty-two years from the date of publication was finally adopted, the ayes being ninety-six and the noes seventeen.



Mr. Massinger

From an original drawing by G. Richmond, in the possession of
Lady Trevelyan.

A SPEECH

DELIVERED IN THE HOUSE OF COMMONS FEBRUARY
5, 1841, BY THE RIGHT HONORABLE THOMAS
BABINGTON MACAULAY

1. THOUGH, Sir,¹ it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend² on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating advantage on men of letters, I think it my duty to avow that opinion and to defend it.

2. The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to

take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery.

3. Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for the public convenience. But I must say that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property ; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley¹ in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor. Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one ; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land gener-

ally descends to the eldest son. In Kent the sons share and share alike. In many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family ; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will : but you limited his power, a few years ago, by enacting that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the Statute of Distributions ; but there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right ? Is it primogeniture, or gavelkind, or borough English ?¹ Are wills *jure divino* ? Are the two witnesses *jure divino* ? Might not the *pars rationabilis* of our old law have a fair claim to be regarded as of celestial institution ? Was the Statute of Distributions enacted in Heaven long before it was adopted by Parliament ? Or is it to Custom of York, or to Custom of London, that this preëminence belongs ? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned friend and myself as to the principles on which this question is to be argued. For the existing law gives an author copyright during his natural life ; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The only point in issue between us is, how long after an author's death the State shall recognize a copyright in his representatives and assigns ; and it

can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good.

4. We may now, therefore, I think, descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and, after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but gray. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present, and increases the disadvantages at least fourfold.

5. The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make

literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalize themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is, then, on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labor. And there are only two ways in which they can be remunerated. One of those ways is patronage ; the other is copyright.

6. There have been times in which men of letters looked, not to the public, but to the Government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country.¹ Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty, to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favor of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

7. We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But, if his opinion about monopoly be correct, extreme right and expediency would coincide. Or, rather, why should we not restore the monopoly of the East India trade to the East India Company?¹ Why should we not revive all those old monopolies which, in Elizabeth's reign,² galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first

and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines.¹ Thus, then, stands the case. It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

8. Now, I will not affirm that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this: the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice as strong a motive as a

posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable that in the course of some generations land in the unexplored and unmapped heart of the Australasian continent will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australasian continent. We know that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy,¹ and will have the finest house and gallery of pictures at Victoria or Syduey. Now, this is the sort of boon which my honorable and learned friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works.² Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the

grandson of a third bookseller, who had bought the copyright from Black Frank, the doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal?¹ I firmly believe not. I firmly believe that a hundred years ago, when he was writing our² debates for the *Gentleman's Magazine*, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term and sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy *Rasselas* for sixpence; I might have had to give five shillings for it. I can buy the *Dictionary*, the entire genuine *Dictionary*, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing.

9. The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one

of the most innocent and most salutary of human pleasures ; and never let us forget that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax, if it can be shown that by so doing I should proportionally increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quadruples the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had been the law of the land ? I have not data sufficient to form an opinion. But I am confident that the taxation on his *Dictionary* alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half-century at twenty thousand pounds, I feel satisfied that I very greatly underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds' worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

10. My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence on the fruits of his great ancestor's genius. A house maintained in splendor by

such a patrimony would be a more interesting and striking object than Blenheim¹ is to us, or than Strathfieldsaye² will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if anything, more for a term of sixty years than for a term of thirty or five-and-twenty. The present value of a distant advantage is always small; but, when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's³ reign? I imagine Cowley's⁴ *Poems*. Overleap sixty years, and you are in the generation of which Pope⁵ asked, "Who now reads Cowley?" What works were ever expected with more impatience

by the public than those of Lord Bolingbroke,¹ which appeared, I think, in 1754? In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row² give now for the copyright of Hayley's³ *Triumphs of Temper*, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if his speculation turns out well, will in the course of a long series of years levy on the public.

11. If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my honorable and learned friend will be surprised,—I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter has been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this ill-fated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick⁴ gave her a benefit,⁵ that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this

event, which he has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted, not sixty years, but forever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of *Paradise Lost* — I think it was Tonson¹ — applied to the Court of Chancery for an injunction against a bookseller who had published a cheap edition of the great epic poem, and obtained the injunction. The representation of *Comus* was, if I remember rightly, in 1750 ; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of *Paradise Lost* must forego that great enjoyment. And what, in the mean time, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is pillaged ; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems ; and it has at the same time to give alms to the only surviving descendant of the poet.

12. But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps

more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear that, if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's¹ novels, or Gibbon's² *History of the Decline and Fall of the Roman Empire*. Some gentlemen may perhaps be of opinion that it would be as well if *Tom Jones* and Gibbon's *History* were never reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's³ novels. Whatever I may, on the present occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original, works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakespeare excepted, show more profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who

had taught the passions to move at the command of virtue. My dear and honored friend, Mr. Wilberforce,¹ in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the eighteenth century, distinctly excepts Richardson from the censure. Another excellent person, whom I can never mention without respect and kindness, Mistress Hannah More,² often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety by which her life was guided. I may safely say that books celebrated as works of art through the whole civilized world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mistress Hannah More, ought not to be suppressed. Sir, it is my firm belief that, if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London; he was a most upright and excellent man; but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said, —this I state on the authority of one of his clerical brethren who is now a bishop,—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe that he would have thought it sinful to give them a wide circulation. I firmly believe that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He

would not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the *London Gazette*: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction that, under such a system as that which he recommends to us, a copy of *Clarissa* would have been as rare as an Aldus or a Caxton.

13. I will give another instance. One of the most instructive, interesting, and delightful books in our language is Boswell's *Life of Johnson*. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot in the escutcheon of the family.¹ He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that at last he could not bear to hear the *Life of Johnson* mentioned. Suppose that the law had been what my honorable and learned friend wishes to make it. Sup-

pose that the copyright of Boswell's *Life of Johnson* had belonged, as it well might, during sixty years, to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work¹ in the world would have been as scarce as the first edition of Camden's *Britannia*.²

14. These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley died,³ and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most numerous, the wealthiest, the most powerful, the most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands.⁴ They hold the memory of their founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His

doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals,¹ interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns² to which he gave his imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptized by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsaken priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years, if the price of a Book of Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons.

15. I am so sensible, Sir, of the kindness with which

the House has listened to me, that I will not detain you longer. I will only say this, that if the measure before us should pass, and should produce one-tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Everybody is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesman of good repute will have anything to do with such disgraceful transactions. Pass this law : and that feeling is at an end. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit ; and the whole nation will be in the plot. On which side, indeed, should the public sympathy be when the question is whether some book as popular as *Robinson Crusoe*,¹ or the *Pilgrim's Progress*,² shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great-grandson of a bookseller who, a hundred years before, drove a hard bargain for the copyright with the author when in great distress ? Remember, too, that, when once it ceases to be considered as wrong and discreditable to invade literary property, no person

can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the Committee that my objections might be removed, I would not divide the House¹ in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time² this day six months.

A SPEECH

DELIVERED IN A COMMITTEE OF THE HOUSE OF
COMMONS ON THE 6TH OF APRIL, 1842, BY
THE RIGHT HONORABLE THOMAS BABINGTON
MACAULAY

MR. GREENE,¹—

1. I HAVE been amused and gratified by the remarks which my noble friend² has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Sergeant Talfourd. My noble friend has done me a high and rare honor. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged, to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss the bill which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference between the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of sixty years as far too long. My noble friend has cut that term down to twenty-five years. I warned the House that, under the provisions of Mr. Sergeant Talfourd's bill, valuable works might not improbably be suppressed by the representatives of authors. My noble friend has prepared a clause which, as he thinks, will guard

against that danger. I will not, therefore, waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening..

2. Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Sergeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed, I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Sergeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. "Do not," he said, "give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support; I despise it." Not wishing to obtrude on the learned Sergeant a support which he despised, I had no course left but to take the sense of the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill: but it may be improved into a very good bill: nor will he, I am persuaded, withdraw it if it should be so improved. He and I have the same object in view: but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

3. The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more than

twenty-eight years after the publication of the work, he retains the copyright to the end of his life.

4. My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

5. My plan is different. I would make no addition to the uncertain term ; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

6. It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is what my noble friend proposes to establish. I know that we cannot altogether exclude chance. You have two terms of copyright, one certain, the other uncertain ; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we cannot altogether exclude chance, we can very much diminish the share which chance must have

in distributing the recompense which we wish to give to genius and learning. By every addition which we make to the certain term, we diminish the influence of chance ; by every addition which we make to the uncertain term, we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers who died within our own memory, Madame D'Arblay¹ and Miss Austen.² As the law now stands, Miss Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young ; she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, *Evelina*, lasted, under the present law, sixty-two years. Surely this inequality is sufficiently great ; sixty-two years of copyright for *Evelina*, only twenty-eight for *Persuasion*. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to *Persuasion* a copyright of only twenty-eight years, as at present, and to *Evelina* a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough ; but I extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present, chance has too much sway in this matter ; that at present the protection which the State gives to letters is very unequally given. You see that, if my noble friend's plan be adopted, more will be left

to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not perfect equality, but much less uncertainty and inequality than at present.

7. But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

8. Take Shakespeare. My noble friend gives a longer protection than I should give to *Love's Labor's Lost*, and *Pericles, Prince of Tyre*; but he gives a shorter protection than I should give to *Othello* and *Macbeth*.

9. Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. *Comus* appeared in 1634; the *Paradise Lost* in 1668. To *Comus*, then, my noble friend would give sixty-five years of copyright, and to the *Paradise Lost* only thirty-one years. Is that reasonable? *Comus* is a noble poem; but who would rank it with the *Paradise Lost*? My plan would give forty-two years both to the *Paradise Lost* and to *Comus*.

10. Let us pass on from Milton to Dryden.¹ My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to *The Wild Gallant*, to *The Rival Ladies*, to other wretched pieces as bad as anything written by Flecknoe² or Settle;³ but for *Theodore and Honoria*, for *Tuncred and Sigismunda*,

for *Cydon and Iphigenia*, for *Palamon and Arcite*, for *Alexander's Feast*, my noble friend thinks a copyright of twenty-eight years sufficient. Of all Pope's works, that to which my noble friend would give the largest measure of protection is the volume of *Pastorals*, remarkable only as the production of a boy. Johnson's first work was a translation of *A Book of Travels in Abyssinia*, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up a copy of it, and told his friend that he had done so. "Do not talk about it," said Johnson; "it is a thing to be forgotten." To this performance my noble friend would give protection during the enormous term of seventy-five years. To the *Lives of the Poets* he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of *The Temple Beau*, of *The Intriguing Chamber-maid*, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to *Tom Jones* and *Amelia*.

11. Go on to Burke.¹ His little tract, entitled *The Vindication of Natural Society*, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the *Appeal from the New to the Old Whigs*, to the

letters on the *Regicide Peace*, he would give a copyright of thirty years or little more.

12. And, Sir, observe that I am not selecting here and there extraordinary instances in order to make up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations ; go to remote ages ; you will still find the general rule the same. There was no copyright at Athens or Rome ; but the history of the Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles,¹ the one to which the plan of my noble friend would have given the most scanty recompense would have been that wonderful masterpiece, the *Oedipus at Colonus*. Who would class together the *Speech of Demosthenes*² against his guardians, and the *Speech for the Crown*? My noble friend, indeed, would not class them together. For to the *Speech against the Guardians* he would give a copyright of near seventy years ; and to the incomparable *Speech for the Crown* a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's³ juvenile declamation in defense of Roscius Amerinus as to the *Second Philippic*. Go to France. My noble friend would give a far longer term to Racine's⁴ *Frères Ennemis* than to *Athalie*, and to Molière's⁵ *Etourdi* than to *Tartuffe*. Go to Spain. My noble friend would give a longer term to forgotten works of Cervantes,⁶ works which nobody now reads, than to *Don Quixote*. Go to Germany. According to my noble friend's plan, of all the works of Schiller,⁷ *The Robbers* would be the most favored ; of all the works of Goethe,⁸ the *Sorrows of Werther* would be the

most favored. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the names of so many books and authors. But just as, in our debates on civil affairs, we constantly draw illustrations from civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest productions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

13. It is the law of our nature that the mind shall attain its full power by slow degrees; and this is especially true of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years, will hardly be disputed.

14. The case may not be quite so clear as respects works of the imagination. And yet I know of no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly

stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel¹ very sensibly said, is a person to paint portraits who has never seen faces? On the whole, I believe that I may, without fear of contradiction, affirm this, that of the good books now extant in the world more than nineteen-twentieths were published after the writers had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much larger protection than they now enjoy, he does comparatively little for the works of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; and my noble friend gives only twenty-five years to be reckoned from the writer's death.

15. What I recommend is, that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this arrangement there is no uncertainty, no inequality. The advantage which I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person versed in literary history will deny this—that in general the most valuable

works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which my plan is more favorable than my noble friend's plan. To *Lear*, to *Macbeth*, to *Othello*, to the *Fairy Queen*,¹ to the *Paradise Lost*, to Bacon's² *Novum Organum* and *De Augmentis*, to Locke's³ *Essay on the Human Understanding*, to Clarendon's⁴ *History*, to Hume's⁵ *History*, to Gibbon's *History*, to Smith's⁶ *Wealth of Nations*, to Addison's⁷ *Spectators*, to almost all the great works of Burke, to *Clarissa* and *Sir Charles Grandison*, to *Joseph Andrews*, *Tom Jones*, and *Amelia*, and, with the single exception of *Waverley*,⁸ to all the novels of Sir Walter Scott, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways — poetry, philosophy, history, eloquence, wit, skilful portraiture of life and manners? I confidently, therefore, call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move, when we come to the third clause of the bill, to omit the words "twenty-five years"; and in a subsequent part of the same clause I shall move to substitute for the words "twenty-eight years" the words "forty-two years." I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters with the smallest possible inconvenience to the public.

INTRODUCTION TO LINCOLN'S ADDRESS AT COOPER UNION

I. BIOGRAPHICAL SKETCH OF LINCOLN FROM FEBRUARY 12, 1809, TO FEBRUARY 27, 1860

ABRAHAM LINCOLN's life and writings are worthy of the closest study. No one can learn enough about them. For every person who needs to understand the philosophy of government of the people, by the people, and for the people they are full of information and of inspiration. In him were combined, perhaps more perfectly than in any earlier ruler, the three most essential qualities of leadership — sanity, courage, and kindness. These qualities, united as they were in him with a faculty of clear expression not inferior to Macaulay's, with wit, with humor, with imagination, with intense earnestness, and with the dignity that accompanies intense earnestness, made of him a great orator and a great writer. In the twelve volumes of his complete works there are few documents that do not contain something worthy of the attention of the citizen of a free country ; and to-day, when even Turkey and China have adopted constitutional governments, this is equivalent to saying that his life and writings are worthy of the study not merely of Americans but of the entire world.

Abraham Lincoln was descended from a family of Kentucky pioneers, who, though it is said their ancestors had been educated Quakers, at the time of his birth had so far laid aside their family traditions that some of them had forgotten how to spell their names, and none apparently had any positive aversion to fighting. His grandfather was killed in 1784 by the Indians. His father, Thomas Lincoln, grew up so literally without education that his most conspicuous literary achievement was bunglingly to write his own name, an accomplishment which was taught him by a pretty young woman, named

Ancestry
and Birth

Nancy Hanks. The natural result followed. Though unable to provide properly for himself, Thomas Lincoln, in 1806, with that strange and fascinating optimism which in youth generally characterizes the indolent and the incompetent, married Nancy Hanks, and set about the task of making a home on a farm near Hodgenville, in what is now La Rue County, Kentucky. In the log hut which he erected on this farm — a hut which is now enclosed and preserved in an imposing pile of masonry — Abraham was born February 12, 1809.

The boy who was thus ushered into the world had, properly speaking, says Henry Watterson, no childhood. He was never very young. Compared with him, as

Early Life Macaulay says of another great leader of men, Oliver Twist in the workhouse and Smike at Dotheboys Hall were spoiled children. His mother's disposition was speedily soured and her looks spoiled by misfortune. That ill luck which generally accompanies laziness so persistently pursued his father that, in 1816, in a vain attempt to escape from his difficulties, he fled with his family and several barrels of whisky to Spencer County, Indiana. The futility of this expedient was not lost upon Abraham, who, years after, when himself similarly beset, refused to remove from a community where he had failed, and who, still later, administered a stinging rebuke to one of his relatives who contemplated adopting a similar remedy for similar ills. In Indiana the family settled in an unbroken forest. An axe was at once put into Abraham's hands; and, from that time until he was twenty-three, except when he was plowing and harvesting, he was almost constantly handling that useful instrument. In 1818 his mother died, and he walked a hundred miles to find a clergyman to hold a funeral service over her remains. The fact that he was thus left dependent on himself at an age when many boys are now reading Cæsar by the aid of a bad translation and breaking the speed laws in their fathers' automobiles is not, however, to be regarded as an unmixed evil. It was then that he began to learn those lessons of self-reliance which enabled him, in the darkest hour of

its history, to steer the nation straight, in spite of the sophistry of Douglas, the rashness of Seward, Chase's ambition, and the fanaticism of Horace Greeley.

Lincoln's formal education, however, was of the most meager kind. The aggregate of all his schooling did not amount to one year. As he himself said, his education was never finished. He did not study English grammar until he was twenty-three. He did not learn geometry until after he had been elected to Congress. But he had, in a degree which few boys possess it, one prerequisite to the acquisition of an education, a prerequisite for which laboratories and professors and marble halls and fraternities and football teams are no adequate substitutes. He had an intense desire to learn. He had another advantage not possessed by the average boy of to-day. His intellect was not undermined nor his moral fiber corrupted by any writings as thin and contemptible as much of the popular literature of the present day. Instead he had Bunyan and AEsop, *Robinson Crusoe* and Burns, the *Life of Washington* and the *History of the United States*, Shakespeare and the Bible. He walked nine miles to school and seven to attend a debating club. He pulled fodder three days in order to buy a grammar. Several pictures of him as he appeared at this period to his contemporaries have come down to us. In one we see him rocking a cradle with his foot as he reads; in another he lies under a tree revolving with the sun about its trunk in order to shade himself and his book. In a third he holds a book in one hand and in the other a piece of corn bread. To his companions these strange actions were inexplicable. One of them pronounced him a very lazy boy, always reading, writing, ciphering, writing poetry, and the like. He himself said that he did not pitch into work like killing snakes. His employers complained that he was not only idle himself but the cause of illness in others; unless closely watched he was apt to mount a stump and, to the intense delight of his fellow farm hands, deliver a side-splitting imitation of some itinerant preacher or a stirring political harangue.

The training in oral composition which he thus gave himself had a value which schoolmasters are only now, after the lapse of eighty years, beginning to understand. His education in written composition was equally unique and equally valuable. Being constrained by his lack of paper to write on a shingle shaved clean with a jackknife, he was forced by the nature and quantity of his writing materials to use the fewest words that would express his meaning. So he learned to cut out adjectives and adverbs and to make the nouns and verbs do his work. The result of this training is apparent in the brevity and exactness that characterize the letters to Horace Greeley and Mrs. Bixby, the Gettysburg Speech, and the Second Inaugural.

When he was nineteen, these studies were varied but not interrupted by travel. He made a trip to New Orleans on a flatboat as a deckhand. With one boy no older than himself he floated down the Mississippi, traded along the sugar coast, engaged in a midnight contest with predatory

First Glimpse of Slavery negroes, and saw in New Orleans enough of the slave trade to fill his soul with disgust. "Slavery ran its iron into him then and there," said his companion. "If I ever get a chance to hit that institution," Lincoln is reported to have said at this time, "I'll hit it hard."

Upon his return to Indiana, he found his father so involved in difficulties that a fresh removal seemed necessary. Accordingly, on March 1, 1830, the entire family started for Macon County, Illinois, in wagons drawn by oxen. Here during the succeeding summer they cleared and fenced ten acres with rails which were split by Abraham and destined, thirty years later, to play a picturesque rôle in national polities. But fresh trouble awaited them. In the autumn they were so afflicted with ague and fever that they determined to leave the county. The winter which followed was one of unusual severity. Game was never afterward so plentiful in the State. When spring came land travel was impossible on account of the floods.

Abraham had, however, during the winter made a contract with Denton Offut, a merchant of New Salem, to

take a second cargo to New Orleans. Being more afraid of breaking his word than of a roaring torrent, he built a boat and floated down the Sangamon River to meet his employer. Before the affair was closed, he gave three more signal proofs of that self-reliance which he had learned in the wilderness. Finding that Offut had failed to provide a flatboat for the voyage to New Orleans, he built one. Getting stranded on a dam, he bored holes in the front end of his craft to let the water out and thus brought her safely to shoal water below. The cargo consisted of wild hogs. They objected to going on board, but he carried them one by one, in spite of their struggles. Such was his introduction to Sangamon County, where, for the next twenty-nine years, he lived and labored.

The impression which Lincoln made on Offut by these transactions was so favorable that he hired him to run a store and mill at New Salem. Not less favorable was the impression that, in the conduct of these new duties, he made on Offut's customers. By his scrupulous honesty he soon won from them the proud title of "Honest Abe." While he was selling tea and measuring calico, he had occasion to defend himself and the women who came to trade with him from the insults of a gang of young ruffians led by a bully named Jack Armstrong. In the performance of this duty he thrashed several of these lads of spirit, and he did the job so thoroughly and at the same time so good naturedly that, though completely cowed, they became and remained his devoted friends and followers. By this time, indeed, he had attained prodigious height and strength. He could lift a burden of one thousand pounds, or hold an axe horizontally by grasping the end of the handle between his thumb and forefinger. He was proud, as he had a right to be, of his physical strength, and even after he became President took a pleasure in showing it off that to some of his critics seemed childish. But it served him in good stead. In the darkest days of the Civil War, when Seward could not sleep and Stanton was on the verge of nervous prostration, Lincoln's slumbers and appetite were unimpaired.

Lincoln's virtues and muscles, however, were alike powerless to make Offut's store a success. It was on the point of failure, when, in 1832, an Indian insurrection which is known in history as the Black Hawk War broke out in Illinois. Lincoln enlisted, was elected captain of his company, and was mustered into service by Lieutenant Jefferson Davis. He saw no fighting, but marched a good deal, suffered some from hunger, and was much bitten by mosquitoes. In later years, in order to illustrate his lack of technical military knowledge, he sometimes told how, on approaching a gate with his company, he was unable to remember the command necessary to get them to pass through it two abreast. But he was equal to the situation. "This company," he shouted, "is dismissed for two minutes, when it will again fall in on the other side of the gate."

On his return from the war, he ran for the Legislature and was beaten, though in his own precinct two hundred and seventy-seven voted for and only seven against him, a fact which is more noteworthy than on its surface it seems to be, as he was a Whig and the precinct was normally Democratic by over one hundred. It was the only time in his life when Lincoln was beaten in a popular vote.

Hard times followed. He bought, in partnership with a man named Berry, a store where liquor was sold. Berry applied himself industriously to the task of drinking their stock, and Lincoln spent most of his time in reading a copy of Blackstone which he had found at the bottom of a barrel of rubbish. The inevitable result followed. The store, to use his own expressive metaphor, "winked out." Berry ran away and Lincoln was left with a debt which it took him fourteen years to pay. Previously he had been appointed postmaster at New Salem; now, by adding surveying to this not uncongenial employment, he continued to keep body and soul together.

When the election of 1834 came, he was chosen by a great popular majority to the Legislature. He had already begun to study law; now he applied himself in earnest to its mastery. He was still so poor that he had to borrow

money to buy a suit of clothes to supplant the Kentucky jeans which he had hitherto worn, and was constrained to walk the one hundred miles that separated New Salem from Vandalia, which was then the ^{In the Legislature} capital of the State. Perhaps this tramp had its share in suggesting to his mind the propriety of moving the seat of government to Sangamon County; at all events, he was one of the leaders in the movement that resulted in that change. He was reëlected to the Legislature in 1836, 1838, and 1840, but did not become much known except as the tallest and leanest man in a body composed of tall lean men. One noteworthy thing, however, he did. In 1837, with one other member of the Legislature, Dan Stone, he presented a protest against a pro-slavery resolution, an act which at that time required moral courage of no mean order.

In the mean time Lincoln had become a successful though perhaps not a great lawyer. Self-educated as he was and naturally unmethodical, he probably never attained a profound mastery of legal technique; ^{Lincoln the Lawyer} indeed, as late as 1856, after hearing Stanton argue the McCormick reaper case in Cincinnati, he said to a friend, "I am going home to study law." He had, however, in a supreme degree, some qualities which many learned jurists lack. He was no brain-tapper; he thought out his cases for himself. Slow to learn, he himself said that his mind was like steel, hard to scratch, but impossible to free of a scratch once made. He had an instinctive faculty for discovering the kernel of a case and of putting himself in the position of the counsel on the other side. He understood juries; he aimed low; he did not shoot over their heads. In the use of homely illustrations drawn from their own lives, he displayed an imagination which was so vivid and convincing that one is tempted to believe that he might have obtained high rank as a poet.

It was not these qualities, however, that made Lincoln what he eventually became, the leader of the Illinois Bar. It was his moral earnestness. He believed that a lawyer's first duty is to discourage litigation. He was not content,

when he had won a case, until he had achieved a just and lasting peace between the litigants. Profoundly indifferent to wealth, which he characterized as a superfluity of the things we don't need, he was on one occasion tried by his colleagues on the ground that he was impoverishing the Bar by his Picayune charges. The prospect of a fat fee could not tempt him to defend a person whom he knew to be guilty; indeed, he seems to have been for temperamental reasons unable successfully to argue a case which he believed to be unjust. The result that followed was natural. The mere fact that he had consented to appear in a case grew to be almost equivalent to a verdict for his client. His services accordingly came to be in great demand. In the twenty-three years of his practice, he had one hundred and seventy-two cases before the Supreme Court of Illinois, a record unsurpassed by any of his contemporaries.

Lincoln was married November 4, 1842, to Mary Todd. Four sons were the issue of this union, of whom only the eldest, Robert Todd, lived to maturity.

After his retirement from the Legislature in 1842, Lincoln's fame and influence as a politician steadily grew until,

Politics in 1848, he was unanimously nominated for Congress by the Whig Convention of his district and elected by a great majority. Lincoln made two excellent speeches during his term of office, one a criticism of the injustice of Polk's administration in beginning the war with Mexico, the other a good-natured campaign harangue directed against General Cass, the Democratic nominee for President in 1848. All who read these addresses will admit that Lincoln's leadership in Illinois was no accident. They are full of eloquence, wisdom, and fun.

After his term in Congress a period of four years followed, during which Lincoln steadily lost interest in politics. Then, in 1854, a great national crisis brought the opportunity that made his fame as bright and as secure as Washington's.

When the Constitution was adopted in 1787, most American statesmen, South as well as North, regarded

slavery as an evil, and not only hoped but expected that it would be ultimately extinguished. In that same year a provision that forever excluded it from the Northwest Territory was passed by Congress with only one dissenting vote. The invention of the cotton gin by Eli Whitney, however, in 1793, made slavery profitable in the South. As soon as it became profitable, it ceased to seem wrong. Thereafter the two sections drifted rapidly apart in feeling and in industrial life; how rapidly was revealed in 1820, when Missouri applied for admission as a State. The House of Representatives voted to grant the petition, provided the State would agree to a plan of gradual emancipation; the Senate rejected this provision. After a furious discussion, Maine and Missouri were admitted together, the former as a free, the latter as a slave State, with the proviso that thereafter there should be no more slave States north of $36^{\circ} 30'$, which is the southern boundary of Missouri. This arrangement preserved a reasonable degree of peace until 1850, because up to that time it happened that free and slave States could be admitted in pairs and the balance of power thus be kept even. In 1849, however, when California applied for admission as a free State, there was no slave State ready for admission. Seeing that the political power of the South was ended by this situation, John C. Calhoun declared that nothing was left to that section but abject submission to the North or separation. William H. Seward, who represented the sentiment on slavery that was to destroy that institution, said in reply that there were only two possible solutions to the problem — gradual emancipation by peaceable means with compensation under the Union, or immediate and violent emancipation through the agency of civil war. At this juncture Henry Clay proposed what is known as the Compromise of 1850. By its terms the North was given California as a free State, while the South was quieted by a new fugitive slave law and the provision that New Mexico and Utah should be given territorial government without restriction as to slavery.

The
Slavery
Question

Of course this measure was only a palliative ; it did not cure the disease. As a matter of fact, after a period of four years of that kind of peace which is enjoyed by those who dwell on the slopes of a half-slumbering volcano, the nation once more found itself face to face with what Seward called this irripressible conflict.

The immediate cause of its revival was the desire of Stephen A. Douglas to obtain the support of the South **Stephen A. Douglas** in his presidential aspirations. This remarkable man was born in 1813 in Vermont, removed to Illinois in 1833, became a judge of the Supreme Court of that State in 1841, was elected to Congress in 1843, and since 1847 had sat in the United States Senate. His skill as a politician, his brilliancy as a debater, and the smallness of his stature had won for him the title of the " Little Giant." In 1852, he had been a formidable rival for the Democratic nomination for President. Few men have had more of what is called personal magnetism, especially for young men ; to their devoted support of Douglas in preference to the other leaders of his party, our language owes two phrases that are still current — " Old Fogey " and " Young Ameriea." After the death of Calhoun in 1850 and of Clay and Webster in 1852, Douglas became probably the most conspicuous figure in national politics.

In 1854 it became necessary to organize Kansas and Nebraska as Territories. According to the terms of the Missouri Compromise, as they lay north of $36^{\circ} 30'$, slavery was forever excluded from their boundaries. Douglas, however, brought in a bill which provided for the repeal of this provision on the ground that it had been superseded by the principle of non-intervention applied to Utah by the C'ompromise of 1850. His object, he said, was not to legislate slavery into any Territory or State or exclude it therefrom ; he designed to leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. If applied to all the Territories, he added, this great principle would set at rest forever the agitation of the slavery question.

"Popular Sovereignty," as this principle was soon named by its adherents, was eagerly adopted in Congress by the Northern wing of the Democratic party, who understood it to mean exactly what Douglas said it meant. It was adopted also by the Southern wing, but they interpreted it as giving them the privilege of going with their slaves into the Territories without intervention from anybody. The opponents of slavery, who in derision nicknamed it "Squatter Sovereignty," made a fierce fight in Congress, but lost. The bill became a law.

Popular
Sovereignty

As Douglas had predicted, this measure of his did, indeed, settle the slavery question, but it settled it only after a contest which, for eleven years, shook the nation to its foundations. Its immediate effect was to make the North boil with indignation. Douglas himself said that, on his return to Illinois, he could have traveled from Boston to Chicago by the light of his own effigies. In the fierce heat of the passions then engendered, the Democratic party was split in twain, the old Whig party vanished, the Republican party was born, and Stephen A. Douglas was brought face to face with Abraham Lincoln.

Upon his arrival in Chicago, where his home was and where his statue now stands, Douglas found the flags at half-mast. He was received with jeers. Yet such were his boldness, his eloquence, and his powers of persuasion that he soon regained his popularity. He even succeeded later in almost persuading some of the anti-slavery leaders that their cause would be best advanced by voting for him for Senator. That he did not entirely succeed in this purpose was due to the clearness and courage with which Lincoln exposed the fallacies of his position. The two met twice in debate that fall, first at Springfield and later at Peoria.

To the average citizen of that day, there must have seemed something grotesque if not pathetic in the spectacle of Honest Abe Lincoln of Springfield having the hardihood to do battle with the great Judge Douglas. If to-day a high school nine should by any chance engage in a game with the world's champions, their temer-

The Contest
between
Lincoln and
Douglas

ity could hardly cause a greater sensation. Douglas himself did not conceal his contempt for his opponent. He spoke of him slightlying as a kind and estimable gentleman. But he soon discovered his mistake. One of Lincoln's friends once said of him in another connection : "Don't make the mistake of thinking that Abe is as harmless as a dove. If you enter a contest with him filled with that idea, you will soon find yourself on your back in a ditch." For six years past Lincoln had had abundant leisure to study. His mighty powers had reached their maturity. Now, with his whole moral nature on fire with indignation at the treachery of the Democracy in having broken the pledge of 1820, he spoke with a power and dignity which surprised even those who knew him best. The debate thus begun at Springfield in the autumn of 1854 really lasted until the spring of 1860. On whose brow the laurels finally rested may be inferred from two circumstances. In 1860 the Republicans of Ohio as a campaign document published the speeches of Lincoln and Douglas in the same volume. On March 4, 1861, while Lincoln read his first inaugural, Douglas held his rival's hat.

Lincoln's Peoria speech made such an impression that it was printed and preserved. It is no wonder that it was preserved. Its structure is scarcely inferior to that of Burke's *Speech on Conciliation*. In grandeur of theme, in weight of matter, in dignity of manner, and in adaptability to the mood and capacity of the audience he addressed, it is the equal of Webster's *Reply to Hayne*. It shows that Lincoln, even then at the beginning of the struggle, had an understanding of its nature to which later thinkers have been able to add little.

The immediate effect of this and the other speeches which Lincoln made in 1854 was to make him the leader in Illinois of all the forces that arrayed themselves against Douglas's doctrine of popular sovereignty. It almost put him into the Senate that same fall. Two years later, when the Republican party of Illinois held its first convention at Bloomington, he found himself already selected to run

against Douglas in 1858. The gathering was cold until he addressed it. The speech which he then made has ever since been known as *Lincoln's Lost Speech*. It was lost because it was so powerful that the reporters forgot to take notes. A few weeks later, in the Republican National Convention at Philadelphia, he received one hundred and ten votes toward the nomination for Vice-President. The platform adopted by that convention declared that Congress is given power by the Constitution to prohibit in the Territories those twin relics of barbarism — polygamy and slavery; while the Democratic platform reasserted the doctrine of popular sovereignty in language so designedly ambiguous that, though it meant one thing to the farmer in Michigan and another to the planter in Alabama, it seemed equally good to both. The campaign that followed was acrimonious. There were threats that the South would secede in case Frémont, the Republican candidate, were elected. How clearly Lincoln perceived the nature of the mighty issue that was thus shaping itself, and how well he foresaw the way it was to be settled, are revealed by a few words that he uttered in a speech at Galena on August 1 of this same year: "The Union, in any event, will not be dissolved. We don't want to dissolve it, and if you attempt it we won't let you. With the purse and the sword, the army and navy and treasury in our hands and at our command, you could not do it." Read in the light of the events of the next nine years, these words are a startling proof of the gigantic intellectual stature to which Lincoln had now grown. To few men of any age has it been given to dip so far into the future.

The fear of the impending conflict that was upon all men resulted in 1856 in the election to the presidency of the Democratic nominee, James Buchanan. The victorious party, naturally but mistakenly inferring that their triumph indicated that the North was prepared to submit to still further aggression, almost immediately followed up this advantage with a blow that was designed to nationalize slavery. In connection with a case involving the freedom

of a negro named Dred Scott, the Democratic members of the Supreme Court handed down an opinion the material

point of which was embodied in this statement:

The Dred Scott Case “The Constitution of the United States forbids

Congress to deprive a man of his property without due process of law ; the right of property in slaves is distinctly and expressly affirmed in that Constitution ; therefore, if Congress shall undertake to say that a man's slave is no longer his slave when he crosses a certain line into a Territory, that is depriving him of his property without due process of law and is unconstitutional.” The Court added that, if Congress could not do so itself, it could not confer any power to do so upon a territorial legislature.

This decision of course annihilated Douglas's doctrine of popular sovereignty. In this dilemma, he brazenly asserted that future ages would remember the great service that the Supreme Court had just performed for the human race, and, in the same breath, declared that, if the people of a Territory chose to omit making adequate regulations to protect slavery, they might in that way avoid the consequences of the decision. Thus, he added, the doctrine of popular sovereignty had been triumphantly vindicated. A few days later Lincoln also spoke of the Dred Scott decision in a speech at Springfield, Illinois. While professing his intention not to resist it, he said that he would seek to have it reversed. In reply to an assertion of Douglas's that the Republicans wanted negroes to enjoy social equality with whites, he said that he protested against the idea that, because he did not want a negro woman for a slave, he must want her for a wife. “In some respects she is not my equal,” he continued, “but, in her natural right to eat the bread she earns with her own hands, she is my equal and the equal of all others.” In seeking to justify his position, Douglas had said that the Declaration of Independence referred to the white race alone; when it declared all men to be created equal, it meant only that British subjects in America were equal to British subjects in England. To this Lincoln answered in substance :

"Then the Declaration is of no use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won. When you read it on July 4, I advise you, therefore, to read it thus: 'We hold these truths to be self-evident, that all British subjects who were on this continent, eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain.'" He concluded: "The plainest print cannot be read through a gold eagle, and it will be ever hard to find many men who will send a slave to Liberia and pay his passage, while they can send him to Kansas and sell him for \$1500."

Meanwhile Kansas was applying for admission as a State. A constitution with slavery had been framed at Lecompton, and was now presented at Washington as having been legally adopted by the people, though as a matter of fact the great majority of them were opposed to slavery. President Buchanan triumphantly announced that Kansas was already as much of a slave State as Georgia, and ordered Douglas to vote for the admission of the State with the Lecompton Constitution under penalty of losing his voice in the inner counsels of the Democratic party. Douglas, however, knew only too well that, if he were guilty of this fresh act of treachery to his constituents, he could not be reëlected to the Senate. He must choose between offending the South or offending the people of Illinois. He decided to offend the South, and by his efforts the bill was beaten.

Such was the situation when, on June 16, 1858, the Republican State Convention met at Springfield and declared Lincoln to be its first and only choice to succeed Stephen A. Douglas. That evening he made what has been called the most carefully prepared speech of his life. Its opening paragraph is as famous as anything that he ever said. It struck the keynote of the whole campaign. "We are now," he said, "far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of this policy, that agitation has not only not

ceased but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. ‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction ; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South.” Previous to the convention his friends had told him that to utter these words would be political suicide, and he had replied that the time had come to say them, no matter what the consequences might be. With convincing logic he pointed out the evidence that the South was planning to make the nation all slave ; and he called upon the people of Illinois to rally, in the coming struggle, under the leadership of a tried friend of freedom. This last warning was not a mere burst of rhetoric, for some of the Republican leaders, among them Horace Greeley, dazzled by Douglas’s fight against the Lecompton Constitution, were already advising Republicans to vote for the “ Little Giant.”

Thus, at the outset, Lincoln had to overcome not only the vigilance of his foes, but the blindness of his friends. He was also obliged to struggle against great material disadvantages. The Illinois Central Railroad, through the patriotic courtesy of Mr. George B. McClellan, then its superintendent, and afterward commander-in-chief of the armies of the United States, placed at Douglas’s disposal a special train, while Lincoln had to pay his own fare and ride with the common people. The Democrats also invested in music, banners, salutes, fireworks, and other means of creating pomp and noise up to, it is said, the sum of eighty thousand dollars; Lincoln’s campaign fund did not exceed five hundred dollars.

By midsummer the tide seemed to have turned in favor

of Douglas. Lincoln perceived the change, and in council with his advisers determined to meet it by challenging his rival to a series of joint debates. Douglas, after some hesitation, accepted. Accordingly they met at Ottawa, August 21; at Freeport, August 27; at Jonesboro, September 15; at Charleston, September 18; at Galesburg, October 7; at Quincy, October 13; and at Alton, October 15. Each speaker in turn opened and closed. Thus Douglas opened at Ottawa with a speech of an hour and a half, Lincoln replied at similar length, and Douglas had thirty minutes for rebuttal. At Freeport the order was reversed, and so on.

Though the opponents, in their various contests, traversed again and again the whole ground of the slavery agitation, the central issue was fixed by a question which Lincoln put to Douglas at Freeport: "Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits, prior to the formation of a state constitution?" The Supreme Court, in the Dred Scott decision, had already decided this question in the negative, and Douglas had promised to abide by that decision. He had also pledged his word that the voters of Kansas might regulate their own domestic concerns. If he answered "No," he was beaten in Illinois. If he answered "Yes," he might win in Illinois, but his influence in the South and with it his hopes of being President were gone. He answered "Yes."

Lincoln's friends, foreseeing that Douglas would do this, had urged him not to ask the question. "If you do," they told him, "you can never be Senator." "Gentlemen," he had replied, "I am killing larger game: if Douglas answers, he can never be President, and the battle of 1860 is worth a hundred of this."

Both Lincoln and his advisers were true prophets. Though the Republican state ticket received 125,430 votes and the Douglas Democrats only 121,609, there were elected to the Legislature only 46 Republicans as against 54 Democrats. Douglas was thus returned to the Senate,

The Joint Debates

but from that day the Southern people and the Southern statesmen would have none of him. From his seat in the Senate of the United States, on May 22, 1860, Judah P. Benjamin, of Louisiana, said: "He went home and under the stress of a local election his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the presidency of the United States. The Senator from Illinois faltered. He got the prize for which he faltered; but lo! the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble price, has cost him the loss of the presidency of the United States."

Meanwhile the nation rang with Lincoln's victory. His struggle with Douglas had had the effect of investing him with all the brilliancy of his rival's fame. A Chicago editor, whose duties compelled him daily to examine a large number of exchanges, wrote to him: "You are like Byron, who woke up one morning and found himself famous. People wish to know about you. You have sprung at once from the position of a capital fellow and a leading lawyer in Illinois to a national reputation." The truth of this statement was confirmed by the flood of invitations to speak that poured in upon him. They came from Iowa and Minnesota, from Ohio and Pennsylvania, from New Hampshire and New York. A governor was to be chosen in Ohio in 1859, and Douglas went thither to assist the Democratic nominee. In his canvass he still further advertised Lincoln by making allusions to what he was pleased to style the latter's political heresies. Lincoln answered him in two powerful and brilliant speeches, one at Columbus on September 16, the other at Cincinnati the following day. At Columbus he gave a clear review of his contest with Douglas and a deadly analysis of Douglas's doctrine of popular sovereignty. The speech is packed with solid matter and bristles with brilliant epigrams. At Cincinnati he devoted himself largely to the task of show-

ing the people of Kentucky that they ought to support Douglas, because he was the only pro-slavery candidate who, in 1860, could command any considerable number of Northern votes. On September 30, he delivered an agricultural address at the Wisconsin State Fair at Milwaukee, and early in December he made five speeches in Kansas. Then finally came the opportunity which he himself said made him a definite presidential possibility. Hitherto, to use a theatrical metaphor, he had been playing in the provinces. Now he obtained a metropolitan engagement.

Lincoln
becomes a
Presidential
Possibility

On February 9, 1860, Mr. Charles C. Nott wrote to Lincoln from 69 Wall Street, New York, inviting him, under the auspices of the Young Men's Central Republican Union, to deliver one of a series of lectures that, as he said, had been contrived to call out the city's better but busier citizens, "the kind who never attend political meetings." A large part of the audience, he added, would consist of ladies. He also assured Lincoln that, though he was not personally known in New York, his contest with Judge Douglas had awakened the warmest sympathy and admiration among his Republican brethren in that city.

Lincoln went East in response to this invitation, which had somehow got mixed in his mind with an earlier one, under the impression that he was to speak in Plymouth Church, Brooklyn. After his arrival in New York he learned that the place was to be the Cooper Institute, and that the audience would probably include several men whom he felt were much more suited to be his tutors than his pupils. One of his friends had warned him not to make jokes, tell stories, or employ the arts of the Western stump speaker before an Eastern audience, but to rely upon that power of logical analysis of which he was such an irresistible master. Moved by this advice and doubtless somewhat put upon his guard by the formidable character of his prospective audience, he is said to have spent the time, some three days, between his arrival and his ordeal, in severe preparation.

The night of February 27 was snowy, and the Cooper

Institute was, in consequence, not full. The audience was intelligent, respectable, and non-partisan. It included, however, a number of the most distinguished citizens of New York, among them ex-Governor John A. King, James W. Nye, James A. Briggs, Cephas Brainerd, Charles C. Nott, and Horace Greeley. David W. Field escorted the speaker to the platform, and he was introduced by William Cullen Bryant.

Though these men had never met Lincoln, they of course knew of his successful fight against Douglas. For two years his name had been constantly in the newspapers. They had come together to learn by what species of eloquence Lincoln had contrived to attract so large a share of public attention.

To these polished citizens of the metropolis, before he rose, he seemed awed and ill at ease. They regarded his clothes with marked disapproval. His costume, one of them informs us, was the most unbecoming that a fiend's ingenuity could have devised, its most conspicuous points being a black frock coat, too short for him in the body, skirt, and arms, and a rolling collar that was so low that it disclosed his long, thin, and shriveled throat. Among the adjectives with which they sought to describe his appearance before the lecture were "plain," "ungainly," "unadorned," "uncultivated," "awkward," and "rustic."

When he rose to speak, however, all this was quickly forgotten. His gigantic frame, his deep-set eyes, the pallor of his face, and the story of hardship and struggle written in the deep furrows of his rugged features were impressive. As he proceeded with his address he seemed to be transformed. His eyes kindled, his voice rang, his face shone until it seemed to light up the whole assembly. For an hour and a half he held his audience spellbound. They had come expecting the turgid rhetoric, the bad grammar,

The Cooper-Union Address and the rude wit of the frontier. Instead they found a man whose delivery and style were severely simple. The first half of his address did not contain a single illustrative figure. In the entire speech there was neither anecdote nor witticism. As Nicolay and

Hay truly write, it was the exposition of the historian and the argument of the statesman about a principle of legislation, in language as restrained as that of a brief. " Yet such," they continue, " was the apt choice of words, the simple strength of propositions, the fairness of every point he assumed and the force of every conclusion he drew, that his listeners followed him with the interest and delight a child feels in its easy mastery of a plain sum in arithmetic."

" That night," says Joseph H. Choate, later ambassador to Great Britain and himself one of the greatest of American orators, " the great hall, and the next day the whole city rang with delighted applause and congratulations." Horace Greeley said it was the wisest speech that any Republican had yet made, and that, although he had heard several of Webster's best addresses, he had never listened to a better one. " Mr. Lincoln," said his paper, *The Tribune*, on the following morning, " is one of nature's orators, using his rare powers solely to elucidate and convince, though their inevitable effect is to delight and electrify as well. We present herewith a very full and accurate report of this speech; yet the tones, the gestures, the kindling eye, and the mirth-provoking look defy the reporter's skill. The vast assemblage frequently rang with cheers and shouts of applause, which were prolonged and intensified at the close. No man ever before made such an impression on his first appeal to a New York audience."

A pamphlet reprint of the speech was at once announced; and in September, as a campaign document, a careful edition was published, with notes by Charles C. Nott and Cephas Brainerd, two members of the committee under whose auspices the speech had been delivered. In their preface they show a keen appreciation of its value as revealed by close literary analysis. " No one," they say, " who has not actually attempted to verify its details can understand the patient research and historical labor which it embodies. The history of our early polities is scattered through numerous journals, statutes, pamphlets, and letters; and these are defective in completeness and accuracy.

of statement, and in indices and tables of contents. Neither can any one who has not traveled over this ground appreciate the accuracy of every trivial detail, or the self-denying impartiality with which Mr. Lincoln has turned from the testimony of the fathers on the general question of slavery, to present the single question which he discusses. From the first line to the last, from his premises to his conclusion, he travels with a swift, unerring directness which no logician ever excelled, an argument complete and full without the affectation of learning, and without the stiffness which usually accompanies dates and details. A single easy sentence of plain Anglo-Saxon words contains a chapter of history that, in some instances, has taken days of labor to verify, and which must have cost the author months of investigation to acquire. Commencing with this address as a political pamphlet, the reader will leave it as an historical work — brief, complete, profound, impartial, truthful — which will survive the time and the occasion that called it forth and be esteemed hereafter no less for its intrinsic worth than for its unpretending modesty."

After the speech Mr. Hiram Barney and Mr. Charles C. Nott took Lincoln to the Athenæum for supper, and five or six Republican members of the club, who chanced to be in the building, joined the party. The conversation turned to the prospects of the Republicans in the coming elections, but so little was Lincoln's real standing then comprehended in New York that one of the gentlemen, who had not heard the evening's address, asked: "Mr. Lincoln, what candidate do you really think would be most likely to carry Illinois?" Lincoln replied: "Illinois is a peculiar State, in three parts. In northern Illinois, Mr. Seward would have a larger majority than I could get. In middle Illinois, I think I could call out a larger vote than Mr. Seward. In southern Illinois, it would make no difference who was the candidate." When the party broke up, Mr. Nott went with Lincoln to show him the way to the Astor House. They started on foot, but finally boarded a street car, because Lincoln walked with difficulty on account of the tightness of his boots, which were new. Mr.

Nott did not go all the way ; instead, when the car reached his own street, he left the future President its sole occupant.

Here, too, we must leave him. To trace the remainder of his career in a book of this size is alike impossible and unnecessary. It is impossible because it would be equivalent to writing the whole history of the great political campaign and the great Civil War which followed. It is unnecessary because every American schoolboy knows the story. Suffice it to say that, when Lincoln next came to New York, he rode at noonday in a carriage drawn by four white horses through lanes of shouting people. From that proud moment down to the moment of his tragic end his history is the history of the United States. His place since then was accurately described by Stanton when, standing by Lincoln's bedside just after the great Emancipator had breathed his last, he said : "Now he is with the ages!"

II. BOOKS FOR THE STUDY OF LINCOLN

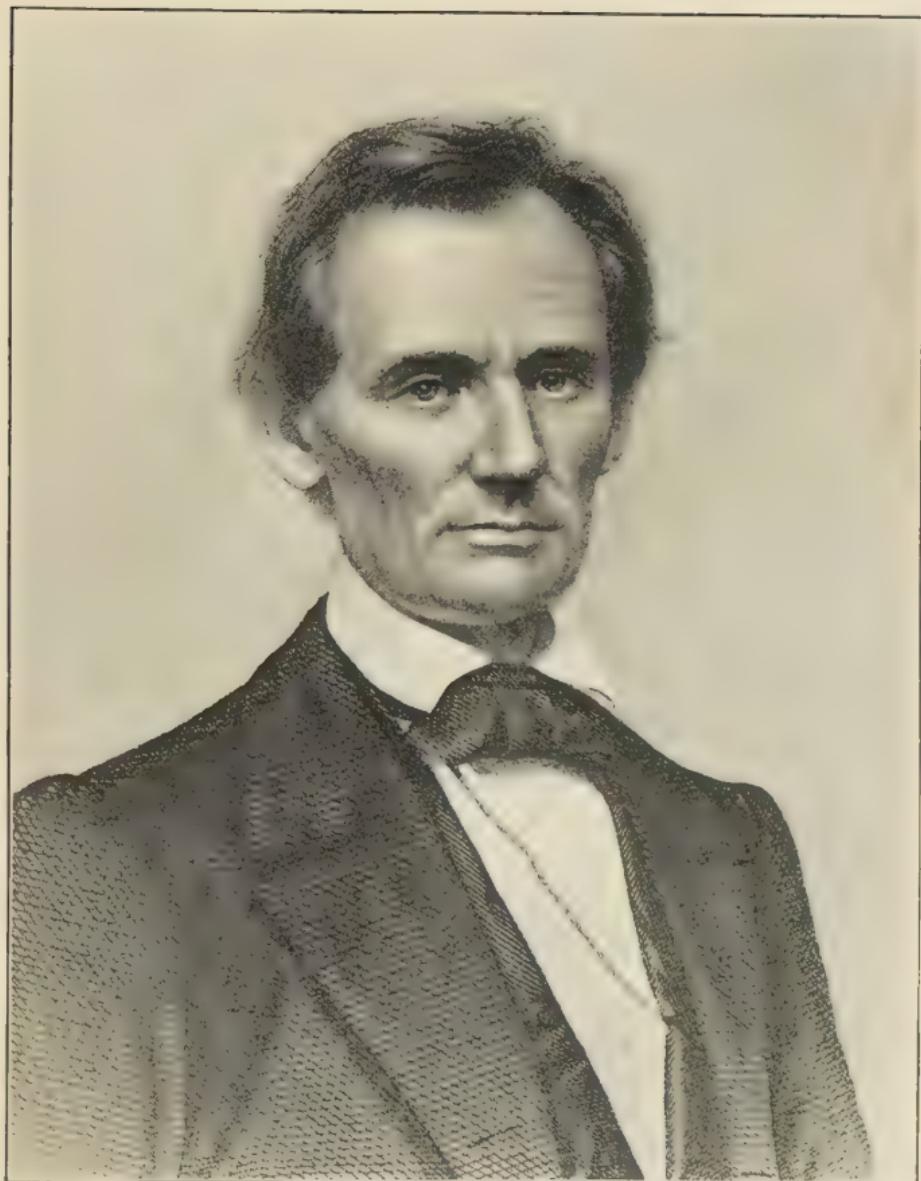
The literature which has grown up around the name and fame of Lincoln is so extensive that no one human being is likely ever to read it all. In 1906, Daniel Fish published a Lincoln Bibliography that filled 234 printed quarto pages and included 1080 titles. Fortunately, it is not necessary to read many of these, in order to gain a reasonable knowledge of the subject. The following are recommended as being, perhaps, the books most likely to be useful to a student :—

EMERSON, RALPH WALDO: *Abraham Lincoln*. Remarks at the funeral services held in Concord, Mass., April 19, 1865. In Riverside Literature Series No. 133, with Schurz's *Abraham Lincoln*, etc. Houghton Mifflin Co., 1899.

HILL, FREDERICK TREVOR: *Lincoln the Lawyer*. The Century Co., 1906, pp. xviii + 332.

LOWELL, JAMES RUSSELL: *Abraham Lincoln*. In Riverside Literature Series No. 133, with Schurz's *Abraham Lincoln*, etc. Houghton Mifflin Co. 1899.

- MOORES, CHARLES W: *The Life of Abraham Lincoln for Boys and Girls.* In Riverside Literature Series No. 185. Houghton Mifflin Co. 1909. 132 pp.
- MORSE, JOHN T., JR.: *Abraham Lincoln.* A biography in two volumes. American Statesmen Series, vol. I, pp. 387; vol. II, pp. 373. Houghton Mifflin Co., 1893.
- NICOLAY AND HAY: *Abraham Lincoln: A History.* By John G. Nicolay and John Hay, Lincoln's Secretaries. The Century Co., 1890. Ten volumes. The standard *Life of Lincoln.*
- NICOLAY AND HAY: *Complete Works of Abraham Lincoln.* Edited by John G. Nicolay and John Hay, with a general introduction by Richard Watson Gilder; special articles by Theodore Roosevelt, Henry Watterson, Frank T. Black, William McKinley, Phillips Brooks, Robert G. Ingersoll, George Bancroft, Charles Sumner, Henry Ward Beecher, and James A. Garfield; poems by Richard Henry Stoddard, S. Weir Mitchell, Edwin Markham, Paul Laurence Dunbar, John James Piatt, William Cullen Bryant, Maurice Thompson, George Henry Boker, Walt Whitman, and Tom Taylor; an anthology; a bibliography; and a chronological index. Twelve volumes. The Tandy-Thomas Co. A beautiful edition. Indispensable to the student.
- RICE, ALLEN THORNDIKE: *Reminiscences of Abraham Lincoln by Distinguished Men of his Time.* Eighth edition, pp. xl+649. North American Review Co. A mine of information, from which several later writers have taken much.
- ROTHSCHILD, ALONZO: *Lincoln, Master of Men.* Houghton Mifflin Co., 1906, pp. 531.
- SCHURZ, CARL: *Abraham Lincoln. An Essay.* In Riverside Literature Series No. 133. Houghton Mifflin Co., 1899, pp. 117.
- TARBELL, IDA M.: *The Life of Abraham Lincoln.* Two volumes. Doubleday & McClure, 1900. Vol. I, pp. xiv+426; vol. II, pp. xi+459. This work is readable and contains some matter not found in Nicolay and Hay.



Abraham Lincoln

This picture was taken by Brady at the time of the Cooper Union Speech. Lincoln said that it had as much influence as the speech in making him President.

ADDRESS

DELIVERED AT COOPER UNION, NEW YORK,
FEBRUARY 27, 1860, BY ABRAHAM LINCOLN

Mr. President and Fellow Citizens of New York:

1. THE facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty, it will be in the mode of presenting the facts, and the inferences and observations following that presentation. In his speech last autumn at Columbus, Ohio, as reported in the *New York Times*, Senator Douglas said: "Our fathers, when they framed the government under which we live, understood this question just as well, and even better, than we do now."

2. I fully indorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and an agreed starting-point for a discussion between Republicans and that wing of the Democracy headed by Senator Douglas. It simply leaves the inquiry: What was the understanding those fathers had of the question mentioned?

3. What is the frame of government under which we live? The answer must be, "The Constitution of the United States."¹ That Constitution consists of the original, framed in 1787, and under which the present government first went into operation, and twelve subsequently framed amendments, the first ten of which were framed in 1789.

4. Who were our fathers that framed the Constitution? I suppose the "thirty-nine" who signed the original instrument may be fairly called our fathers who framed that part of the present government. It is almost exactly true to say they framed it, and it is altogether true to say they fairly represented the opinion and sentiment of the whole nation at that time. Their names,¹ being familiar to nearly all, and accessible to quite all, need not now be repeated.

5. I take these "thirty-nine," for the present, as being "our fathers who framed the government under which we live." What is the question which, according to the text, those fathers understood "just as well, and even better, than we do now"?

6. It is this: Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal Government to control as to slavery in our Federal Territories?²

7. Upon this, Senator Douglas holds the affirmative, and Republicans the negative. This affirmation and denial form an issue; and this issue — this question — is precisely what the text declares our fathers understood "better than we." Let us now inquire whether the "thirty-nine," or any of them, ever acted upon this question; and if they did, how they acted upon it — how they expressed that better understanding. In 1784, three years before the Constitution, the United States then owning the Northwestern Territory,³ and no other, the Congress of the Confederation had before them the question of prohibiting slavery in that Territory; and four of the "thirty-nine" who afterward framed the Constitution were in that Congress, and voted on that question. Of these, Roger Sherman,⁴ Thomas Mifflin,⁵ and Hugh Williamson⁶ voted

for the prohibition, thus showing that, in their understanding, no line dividing local from Federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in Federal territory. The other of the four, James McHenry,¹ voted against the prohibition, showing that for some cause he thought it improper to vote for it.

8. In 1787, still before the Constitution, but while the convention was in session framing it, and while the Northwestern Territory still was the only Territory owned by the United States, the same question of prohibiting slavery in the Territory again came before the Congress of the Confederation; and two more of the "thirty-nine" who afterward signed the Constitution were in that Congress, and voted on the question. They were William Blount² and William Few;³ and they both voted for the prohibition — thus showing that in their understanding no line dividing local from Federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in Federal territory. This time the prohibition became a law, being part of what is now well known as the Ordinance of '87.

9. The question of Federal control of slavery in the Territories seems not to have been directly before the convention which framed the original Constitution; and hence it is not recorded that the "thirty-nine," or any of them, while engaged on that instrument, expressed any opinion on that precise question.

10. In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the Ordinance of '87, including the prohibition of slavery in the Northwestern Territory. The bill for this act was reported by one of the "thirty-nine" — Thomas

Fitzsimmons, then a member of the House of Representatives from Pennsylvania. It went through all its stages without a word of opposition, and finally passed both branches without ayes and nays, which is equivalent to a unanimous passage.¹ In this Congress there were sixteen of the thirty-nine fathers who framed the original Constitution. They were John Langdon, Nicholas Gilman, William S. Johnson, Roger Sherman, Robert Morris, Thomas Fitzsimmons, William Few, Abraham Baldwin, Rufus King, William Patterson, George Clymer, Richard Bassett, George Read, Pierce Butler, Daniel Carroll, and James Madison.²

11. This shows that, in their understanding, no line dividing local from Federal authority, nor anything in the Constitution, properly forbade Congress to prohibit slavery in the Federal Territory; else both their fidelity to correct principle, and their oath to support the Constitution, would have constrained them to oppose the prohibition.

12. Again, George Washington, another of the "thirty-nine," was then President of the United States, and as such approved and signed the bill, thus completing its validity as a law, and thus showing that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution, forbade the Federal Government to control as to slavery in Federal territory.

13. No great while after the adoption of the original Constitution, North Carolina ceded to the Federal Government the country now constituting the State of Tennessee; and a few years later Georgia ceded that which now constitutes the States of Mississippi and Alabama. In both deeds of cession it was made a condition by the ceding States that the Fed-

eral Government should not prohibit slavery in the ceded country. Besides this, slavery was then actually in the ceded country. Under these circumstances, Congress, on taking charge of these countries, did not absolutely prohibit slavery within them. But they did interfere with it — take control of it — even there, to a certain extent. In 1798, Congress organized the Territory of Mississippi. In the act of organization they prohibited the bringing of slaves into the Territory from any place without the United States, by fine, and giving freedom to slaves so brought. This act passed both branches of Congress without yeas and nays. In that Congress were three of the "thirty-nine" who framed the original Constitution. They were John Langdon, George Read, and Abraham Baldwin. They all probably voted for it. Certainly they would have placed their opposition to it upon record if, in their understanding, any line dividing local from Federal authority, or anything in the Constitution, properly forbade the Federal Government to control as to slavery in Federal territory.

14. In 1803, the Federal Government purchased the Louisiana country. Our former territorial acquisitions came from certain of our own States ; but this Louisiana country was acquired from a foreign nation. In 1804, Congress gave a territorial organization to that part of it which now constitutes the State of Louisiana. New Orleans, lying within that part, was an old and comparatively large city. There were other considerable towns and settlements, and slavery was extensively and thoroughly intermingled with the people. Congress did not, in the Territorial Act, prohibit slavery ; but they did interfere with it — take control of it — in a more marked and extensive way than

they did in the case of Mississippi. The substance of the provision therein made in relation to slaves was : —

1st. That no slave should be imported into the Territory from foreign parts.

2d. That no slave should be carried into it who had been imported into the United States since the first day of May, 1798.

3d. That no slave should be carried into it, except by the owner, and for his own use as a settler ; the penalty in all the cases being a fine upon the violator of the law, and freedom to the slave.

15. This act also was passed without ayes or nays. In the Congress which passed it there were two of the "thirty-nine." They were Abraham Baldwin and Jonathan Dayton.¹ As stated in the case of Mississippi, it is probable they both voted for it. They would not have allowed it to pass without recording their opposition to it if, in their understanding, it violated either the line properly dividing local from Federal authority, or any provision of the Constitution.

16. In 1819–20 came and passed the Missouri question.² Many votes were taken, by yeas and nays, in both branches of Congress, upon the various phases of the general question. Two of the "thirty-nine" — Rufus King and Charles Pinckney³ — were members of that Congress. Mr. King steadily voted for slavery prohibition and against all compromises, while Mr. Pinckney as steadily voted against slavery prohibition and against all compromises. By this, Mr. King showed that, in his understanding, no line dividing local from Federal authority, nor anything in the Constitution, was violated by Congress prohibiting slavery in Federal territory ; while Mr. Pinckney, by his votes,⁴ showed that, in his understanding, there

was some sufficient reason for opposing such prohibition in that case.

17. The cases I have mentioned are the only acts of the "thirty-nine," or of any of them, upon the direct issue, which I have been able to discover.

18. To enumerate the persons who thus acted as being four in 1784, two in 1787, seventeen in 1789, three in 1798, two in 1804, and two in 1819-20, there would be thirty of them. But this would be counting John Langdon, Roger Sherman, William Few, Rufus King, and George Read each twice, and Abraham Baldwin three times. The true number of those of the "thirty-nine" whom I have shown to have acted upon the question which, by the text, they understood better than we, is twenty-three,¹ leaving sixteen not shown to have acted upon it in any way.

19. Here, then, we have twenty-three out of our thirty-nine fathers "who framed the government under which we live," who have, upon their official responsibility and their corporal oaths,² acted upon the very question which the text affirms they "understood just as well, and even better, than we do now"; and twenty-one of them — a clear majority of the whole "thirty-nine" — so acting upon it as to make them guilty of gross political impropriety and wilful perjury if, in their understanding, any proper division between local and Federal authority, or anything in the Constitution they had made themselves, and sworn to support, forbade the Federal Government to control as to slavery in the Federal Territories. Thus the twenty-one acted; and, as actions speak louder than words, so actions under such responsibility speak still louder.

20. Two of the twenty-three voted against congressional prohibition of slavery in the Federal Territories,

in the instances in which they acted upon the question. But for what reasons they so voted is not known. They may have done so because they thought a proper division of local from Federal authority, or some provision or principle of the Constitution, stood in the way; or they may, without any such question, have voted against the prohibition on what appeared to them to be sufficient grounds of expediency. No one who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it; but one may and ought to vote against a measure which he deems constitutional if, at the same time, he deems it inexpedient. It, therefore, would be unsafe to set down even the two who voted against the prohibition as having done so because, in their understanding, any proper division of local from Federal authority, or anything in the Constitution, forbade the Federal Government to control as to slavery in Federal territory.

21. The remaining sixteen of the "thirty-nine," so far as I have discovered, have left no record of their understanding upon the direct question of Federal control of slavery in the Federal Territories. But there is much reason to believe that their understanding upon that question¹ would not have appeared different from that of their twenty-three compeers, had it been manifested at all.

22. For the purpose of adhering rigidly to the text, I have purposely omitted whatever understanding may have been manifested by any person, however distinguished, other than the thirty-nine fathers who framed the original Constitution; and, for the same reason, I have also omitted whatever understanding may have been manifested by any of the "thirty-

nine" even on any other phase of the general question of slavery. If we should look into their acts and declarations on those other phases, as the foreign slave-trade, and the morality and policy of slavery generally, it would appear to us that, on the direct question of Federal control of slavery in Federal Territories, the sixteen, if they had acted at all, would probably have acted just as the twenty-three did. Among that sixteen were several of the most noted anti-slavery men of those times,—as Dr. Franklin,¹ Alexander Hamilton,² and Gouverneur Morris,³—while there was not one now known to have been otherwise, unless it may be John Rutledge,⁴ of South Carolina.

The sum of the whole is that of our thirty-nine fathers who framed the original Constitution, twenty-one — a clear majority of the whole — certainly understood that no proper division of local from Federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the Federal Territories; while all the rest had probably the same understanding. Such, unquestionably, was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question "better than we."

23. But, so far, I have been considering the understanding of the question manifested by the framers of the original Constitution. In and by the original instrument, a mode was provided for amending it; and, as I have already stated, the present frame of "the government under which we live" consists of that original, and twelve amendatory articles framed and adopted since. Those who now insist that Federal control of slavery in Federal Territories violates the Constitution, point us to the provisions which they sup-

pose it thus violates ; and, as I understand, they all fix upon provisions in these amendatory articles, and not in the original instrument. The Supreme Court, in the Dred Scott case,¹ plant themselves upon the Fifth Amendment, which provides that no person shall be deprived of “life, liberty, or property without due process of law”; while Senator Douglas and his peculiar adherents plant themselves upon the Tenth Amendment, providing that “the powers not delegated to the United States by the Constitution” “are reserved to the States respectively, or to the people.”

24. Now, it so happens that these amendments were framed by the first Congress which sat under the Constitution — the identical Congress which passed the act, already mentioned, enforcing the prohibition of slavery in the Northwestern Territory. Not only was it the same Congress, but they were the identical, same individual men who, at the same session, and at the same time within the session, had under consideration, and in progress toward maturity, these constitutional amendments, and this act prohibiting slavery in all the territory the nation then owned. The constitutional amendments were introduced before, and passed after, the act enforcing the Ordinance of '87; so that, during the whole pendency of the act to enforce the Ordinance, the constitutional amendments were also pending.

25. The seventy-six members of that Congress, including sixteen of the framers of the original Constitution, as before stated, were preëminently our fathers who framed that part of “the government under which we live” which is now claimed as forbidding the Federal Government to control slavery in the Federal Territories.

26. Is it not a little presumptuous in any one at this day to affirm that the two things which that Congress deliberately framed, and carried to maturity at the same time, are absolutely inconsistent with each other? And does not such affirmation become impudently absurd when coupled with the other affirmation, from the same mouth, that those who did the two things alleged to be inconsistent, understood whether they really were inconsistent better than we — better than he who affirms that they are inconsistent?

27. It is surely safe to assume that the thirty-nine framers of the original Constitution, and the seventy-six members of the Congress which framed the amendments thereto, taken together, do certainly include those who may be fairly called "our fathers who framed the government under which we live." And so assuming, I defy any man to show that any one of them ever, in his whole life, declared that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. I go a step further. I defy any one to show that any living man in the whole world ever did, prior to the beginning of the present century (and I might almost say prior to the beginning of the last half of the present century), declare that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the Federal Territories. To those who now so declare I give not only "our fathers who framed the government under which we live," but with them all other living men within the century in which it was framed, among whom to search, and they

shall not be able to find the evidence of a single man agreeing with them.

28. Now, and here, let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of current experience — to reject all progress, all improvement. What I do say is that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, cannot stand ; and most surely not in a case whereof we ourselves declare they understood the question better than we.

29. If any man at this day sincerely believes that a proper division of local from Federal authority, or any part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so, and to enforce his position by all truthful evidence and fair argument which he can. But he has no right to mislead others, who have less access to history, and less leisure to study it, into the false belief that “our fathers who framed the government under which we live” were of the same opinion — thus substituting falsehood and deception for truthful evidence and fair argument. If any man at this day sincerely believes “our fathers who framed the government under which we live” used and applied principles, in other cases, which ought to have led them to understand that a proper division of local from Federal authority, or some part of the Constitution, forbids the Federal Government to control as to slavery in the Federal Territories, he is right to say so. But he should, at the same time, brave the

responsibility of declaring that, in his opinion, he understands their principles better than they did themselves; and especially should he not shirk that responsibility by asserting that they "understood the question just as well, and even better, than we do now."

30. But enough! Let all who believe that "our fathers who framed the government under which we live understood this question just as well, and even better, than we do now," speak as they spoke, and act as they acted upon it. This is all Republicans ask—all Republicans desire—in relation to slavery. As those fathers marked it, so let it be again marked, as an evil not to be extended,¹ but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guaranties those fathers gave it be not grudgingly, but fully and fairly, maintained. For this Republicans contend, and with this, so far as I know or believe, they will be content.

31. And now, if they would listen,—as I suppose they will not,—I would address a few words to the Southern people.

32. I would say to them: You consider yourselves a reasonable and a just people; and I consider that in the general qualities of reason and justice you are not inferior to any other people. Still, when you speak of us Republicans, you do so only to denounce us as reptiles, or, at the best, as no better than outlaws. You will grant a hearing to pirates or murderers, but nothing like it to "Black Republicans." In all your contentions with one another, each of you deems an unconditional condemnation of "Black Republicanism" as the first thing to be attended to. Indeed, such condemnation of us seems to be an indispensable pre-

requisite — license, so to speak — among you to be admitted or permitted to speak at all. Now can you or not be prevailed upon to pause and to consider whether this is quite just to us, or even to yourselves? Bring forward your charges and specifications, and then be patient long enough to hear us deny or justify.

33. You say we are sectional. We deny it. That makes an issue ; and the burden of proof is upon you. You produce your proof ; and what is it? Why, that our party has no existence in your section — gets no votes in your section.¹ The fact is substantially true ; but does it prove the issue? If it does, then in case we should, without change of principle, begin to get votes in your section, we should thereby cease to be sectional. You cannot escape this conclusion ; and yet, are you willing to abide by it? If you are, you will probably soon find that we have ceased to be sectional, for we shall get votes in your section this very year.² You will then begin to discover, as the truth plainly is, that your proof does not touch the issue. The fact that we get no votes in your section is a fact of your making, and not of ours. And if there be fault in that fact, that fault is primarily yours, and remains so until you show that we repel you by some wrong principle or practice. If we do repel you by any wrong principle or practice, the fault is ours ; but this brings you to where you ought to have started — to a discussion of the right or wrong of our principle. If our principle, put in practice, would wrong your section for the benefit of ours, or for any other object, then our principle, and we with it, are sectional, and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put in practice, would wrong your section ; and so meet us as if

it were possible that something may be said on our side. Do you accept the challenge? No! Then you really believe that the principle which "our fathers who framed the government under which we live" thought so clearly right as to adopt it, and indorse it again and again, upon their official oaths, is in fact so clearly wrong as to demand your condemnation without a moment's consideration.

34. Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address.¹ Less than eight years before Washington gave that warning, he had, as President of the United States, approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the Government upon that subject up to and at the very moment he penned that warning; and about one year after he penned it, he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free States.²

35. Bearing this in mind, and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us, or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us, who sustain his policy, or upon you, who repudiate it? We respect that warning of Washington, and we commend it to you, together with his example pointing to the right application of it.

36. But you say you are conservative — eminently conservative — while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried, against the new

and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by "our fathers who framed the government under which we live"; while you with one accord reject, and scout, and spit upon that old policy, and insist upon substituting something new. True, you disagree among yourselves as to what that substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and denouncing the old policy of the fathers. Some of you¹ are for reviving the foreign slave-trade;² some for a congressional slave code for the Territories;³ some for Congress forbidding the Territories to prohibit slavery within their limits;⁴ some for maintaining slavery in the Territories through the judiciary;⁵ some for the "gur-reat pur-principle" that "if one man would enslave another, no third man should object," fantastically called "popular sovereignty";⁶ but never a man among you is in favor of Federal prohibition of slavery in Federal Territories, according to the practice of "our fathers who framed the government under which we live." Not one of all your various plans can show a precedent or an advocate in the century within which our government originated. Consider, then, whether your claim of conservatism for yourselves, and your charge of destructiveness against us, are based on the most clear and stable foundations.

37. Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the old policy of the fathers. We resisted, and still resist, your innovation; and thence comes the greater prominence of the question. Would you have

that question reduced to its former proportions? Go back to that old policy. What has been will be again, under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times.

38. You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry! John Brown!!¹ John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise.² If any member of our party is guilty in that matter, you know it, or you do not know it. If you do know it, you are inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable for asserting it, and especially for persisting in the assertion after you have tried and failed to make the proof. You need not be told that persisting in a charge which one does not know to be true, is simply malicious slander.

39. Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry affair,³ but still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. We know we hold no doctrine, and make no declaration, which were not held to and made by "our fathers who framed the government under which we live." You never dealt fairly by us in relation to this affair. When it occurred, some important State elections were near at hand, and you were in evident glee with the belief that, by charging the blame upon us, you could get an advantage of us in those elections.⁴ The elections came, and your expectations were not quite fulfilled. Every Republican man knew that, as to himself at least, your charge was a slander, and he was

not much inclined by it to cast his vote in your favor. Republican doctrines and declarations are accompanied with a continual protest against any interference whatever with your slaves, or with you about your slaves.¹ Surely, this does not encourage them to revolt. True, we do, in common with "our fathers who framed the government under which we live," declare our belief that slavery is wrong; but the slaves do not hear us declare even this. For anything we say or do, the slaves would scarcely know there is a Republican party. I believe they would not, in fact, generally know it but for your misrepresentations of us in their hearing. In your political contests among yourselves, each faction charges the other with sympathy with Black Republicanism; and then, to give point to the charge, defines Black Republicanism² to simply be insurrection, blood, and thunder among the slaves.

40. Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection,³ twenty-eight years ago, in which at least three times as many lives were lost as at Harper's Ferry? You can scarcely stretch your very elastic fancy to the conclusion that Southampton was "got up by Black Republicanism." In the present state of things in the United States, I do not think a general, or even a very extensive, slave insurrection is possible. The indispensable concert of action cannot be obtained. The slaves have no means of rapid communication; nor can incendiary freemen, black or white, supply it. The explosive materials are everywhere in parcels; but there neither are, nor can be supplied, the indispensable connecting trains.

41. Much is said by Southern people about the

affection of slaves for their masters and mistresses; and a part of it, at least, is true. A plot for an uprising could scarcely be devised and communicated to twenty individuals before some one of them, to save the life of a favorite master or mistress, would divulge it. This is the rule; and the slave revolution in Hayti¹ was not an exception to it, but a case occurring under peculiar circumstances. The Gunpowder Plot of British history,² though not connected with slaves, was more in point. In that case, only about twenty were admitted to the secret; and yet one of them, in his anxiety to save a friend, betrayed the plot to that friend, and, by consequence, averted the calamity. Occasional poisonings from the kitchen, and open or stealthy assassinations in the field, and local revolts extending to a score or so, will continue to occur as the natural results of slavery; but no general insurrection of slaves, as I think, can happen in this country for a long time. Whoever much fears, or much hopes, for such an event, will be alike disappointed.

42. In the language of Mr. Jefferson, uttered many years ago,³ "It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degrees, as that the evil will wear off insensibly; and their places be, *pari passu*,⁴ filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."

43. Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal Government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only. The Federal Government, however, as

we insist, has the power of restraining the extension of the institution—the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.

44. John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, at the assassination of kings and emperors.¹ An enthusiast broods over the oppression of a people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little less than his own execution. Orsini's attempt on Louis Napoleon,² and John Brown's attempt at Harper's Ferry, were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case, and on New England in the other, does not disprove the sameness of the two things.

45. And how much would it avail you, if you could, by the use of John Brown, Helper's book,³ and the like, break up the Republican organization? Human action can be modified to some extent, but human nature cannot be changed. There is a judgment and a feeling against slavery in this nation, which cast at least a million and a half of votes.⁴ You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies around it. You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire; but if you could, how much would you gain by forcing the sentiment which created it

out of the peaceful channel of the ballot-box into some other channel? What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?

46. But you will break up the Union¹ rather than submit to a denial of your constitutional rights.

47. That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right plainly written down in the Constitution. But we are proposing no such thing.

48. When you make these declarations you have a specific and well-understood allusion to an assumed constitutional right of yours to take slaves into the Federal Territories, and to hold them there as property. But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication.

49. Your purpose, then, plainly stated, is that you will destroy the government, unless you be allowed to construe and force the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events.²

50. This, plainly stated, is your language. Perhaps you will say the Supreme Court has decided the disputed constitutional question in your favor. Not quite so. But waiving the lawyer's distinction between *dictum* and *decision*, the Court has decided the question for you in a sort of way. The Court has substantially said, it is your constitutional right to take slaves into the Federal Territories, and to hold them there as property. When I say the decision was made in a

sort of way, I mean it was made in a divided court, by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact — the statement in the opinion that “the right of property in a slave is distinctly and expressly affirmed in the Constitution.”

51. An inspection of the Constitution will show that the right of property in a slave is not “distinctly and expressly affirmed” in it. Bear in mind, the judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is “distinctly and expressly” affirmed there — “distinctly,” that is, not mingled with anything else — “expressly,” that is, in words meaning just that, without the aid of any inference, and susceptible of no other meaning.

52. If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word “slave” nor “slavery” is to be found in the Constitution, nor the word “property” even, in any connection with language alluding to the things slave, or slavery; and that, wherever in that instrument the slave is alluded to, he is called a “person”; and wherever his master’s legal right in relation to him is alluded to, it is spoken of as “service or labor which may be due” — as a debt payable in service or labor. Also it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the Con-

stitution the idea that there could be property in man.

53. To show all this is easy and certain.¹

, 54. When this obvious mistake of the judges shall be brought to their notice, is it not reasonable to expect that they will withdraw the mistaken statement, and reconsider the conclusion based upon it?

55. And then it is to be remembered that "our fathers who framed the government under which we live"—the men who made the Constitution—decided this same constitutional question in our favor long ago: decided it without division among themselves when making the decision; without division among themselves about the meaning of it after it was made, and, so far as any evidence is left, without basing it upon any mistaken statement of facts.

56. Under all these circumstances, do you really feel yourselves justified to break up this government unless such a court decision as yours is shall be at once submitted to as a conclusive and final rule of political action? But you will not abide the election of a Republican President! In that supposed event, you say, you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us! That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, "Stand and deliver, or I shall kill you, and then you will be a murderer!"

57. To be sure, what a robber demanded of me — my money — was my own; and I had a clear right to keep it; but it was no more my own than my vote is my own; and the threat of death to me, to extort my money, and the threat of destruction to the Union, to

extort my vote, can scarcely be distinguished in principle.

58. A few words now to the Republicans. It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony one with another. Let us Republicans do our part to have it so. Even though much provoked, let us do nothing through passion and ill temper. Even though the Southern people will not so much as listen to us, let us calmly consider their demands, and yield to them if, in our deliberate view of our duty, we possibly can. Judging by all they say and do, and by the subject and nature of their controversy with us, let us determine, if we can, what will satisfy them.

59. Will they be satisfied if the Territories be unconditionally surrendered to them? We know they will not.¹ In all their present complaints against us, the Territories are scarcely mentioned. Invasions and insurrections are the rage now. Will it satisfy them if, in the future, we have nothing to do with invasions and insurrections? We know it will not. We so know, because we know we never had anything to do with invasions and insurrections; and yet this total abstaining does not exempt us from the charge and the denunciation.

60. The question recurs, What will satisfy them? Simply this: we must not only let them alone, but we must somehow convince them that we do let them alone. This, we know by experience, is no easy task. We have been so trying to convince them from the very beginning of our organization, but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them. Alike un-

availing to convince them is the fact that they have never detected a man of us in any attempt to disturb them.

61. These natural and apparently adequate means all failing, what will convince them? This, and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly — done in acts as well as in words. Silence will not be tolerated — we must place ourselves avowedly with them. Senator Douglas's new sedition law¹ must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free State constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us.

62. I am quite aware they do not state their case precisely in this way. Most of them would probably say to us, "Let us alone; do nothing to us, and say what you please about slavery." But we do let them alone, — have never disturbed them, — so that, after all, it is what we say which dissatisfies them. They will continue to accuse us of doing, until we cease saying.

63. I am also aware they have not as yet in terms demanded the overthrow of our free State constitutions.² Yet those constitutions declare the wrong of slavery with more solemn emphasis than do all other sayings against it; and when all these other sayings shall have been silenced, the overthrow of these constitutions will be demanded, and nothing be left to resist the demand. It is nothing to the contrary that

they do not demand the whole of this just now. Demanding what they do, and for the reason they do, they can voluntarily stop nowhere short of this consummation. Holding, as they do, that slavery is morally right and socially elevating,¹ they cannot cease to demand a full national recognition of it as a legal right and a social blessing.

64. Nor can we justifiably withhold this on any ground save our conviction that slavery is wrong. If slavery is right, all words, acts, laws, and constitutions against it are themselves wrong, and should be silenced and swept away. If it is right, we cannot justly object to its nationality — its universality ; if it is wrong, they cannot justly insist upon its extension — its enlargement. All they ask we could readily grant, if we thought slavery right ; all we ask they could as readily grant, if they thought it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy.² Thinking it right, as they do, they are not to blame for desiring its full recognition as being right ; but thinking it wrong, as we do, can we yield to them ? Can we cast our votes with their view, and against our own ? In view of our moral, social, and political responsibilities, can we do this ?

65. Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation ; but can we, while our votes will prevent it, allow it to spread into the national Territories, and to overrun us here in these free States ? If our sense of duty forbids this, then let us stand by our duty fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are so

industriously plied and belabored — contrivances such as groping for some middle ground between the right and the wrong: vain as the search for a man who should be neither a living man nor a dead man; such as a policy of “don’t care” on a question about which all true men do care;¹ such as Union appeals beseeching true Union men to yield to Disunionists, reversing the divine rule, and calling, not the sinners, but the righteous to repentance; such as invocations to Washington, imploring men to unsay what Washington said and undo what Washington did.²

66. Neither let us be slandered from our duty by false accusations against us,³ nor frightened from it by menaces of destruction to the government, nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it.

NOTES AND EXERCISES

MACAULAY'S SPEECHES ON COPYRIGHT

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- 17 1. Sir. This vocative refers to the Speaker, the Right Honorable Charles Shaw Lefevre (1794–1888), of Hampshire, who held that office 1839–1857.
2. my honorable and learned friend. Sergeant Talfourd. Thomas Noon Talfourd (1795–1834) was a famous dramatist, essayist, lawyer, and judge. To get a clear idea of the status of the debate when Macaulay rose, read in the Introduction the section on Copyright.
- 18 1. William Paley (1743–1805) was a distinguished English theologian and philosopher. "Whatever is expedient is right," is the principle on which his view of law rests.
- 19 1. primogeniture, or gavelkind, or borough English. This passage sounds learned. In reality, all that is needed to a complete understanding of the passage, and of hundreds of others in Macaulay equally obscure, is a little reading between the lines. Macaulay has already defined these terms for us. Glance back a few lines and you will find them all explained:
Primogeniture = "Land generally descends to the eldest son."
Gavelkind = "In Kent the sons share and share alike."
Borough English = "The youngest takes the whole." Do some similar thinking about *jure divino*, *pars rationabilis*, Custom of York, and Custom of London. The result will be that you will find Macaulay's allusions a source of light rather than a source of darkness.
- 21 1. Mæcenas and Pollio. Into this one sentence Macaulay has really compressed the entire history of literary patronage, or, at all events, its chief points. If he has time, the student can, as a matter of information, work out its details for himself by means of encyclopedias. This is a good thing to do, but not at all necessary in order to understand Macaulay's argument.
- 22 1. the East India Company was founded by London merchants in 1600 for the purpose of competing with the Dutch for the East India trade. In the middle of the eighteenth century, under Clive and Hastings, the company became supreme in India, not only commercially but politically. Great abuses, culminating in the Indian mutiny of 1857, led the government to abolish the company in 1858.
2. Elizabeth's reign (1558–1603).
- 23 1. Essex. Robert Devereux, Second Earl of (1567–1601), became a great favorite with Queen Elizabeth on account

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- of his manners, his learning, his courage, and his ability; but he lost his influence with her owing to lack of judgment and was executed for treason.
- 24 1. Prince Esterhazy (1786–1866), a Hungarian nobleman, owned larger estates in land than any other subject of the Emperor of Austria.
2. Dr. Johnson. In what year did Samuel Johnson die? Mention five of his writings. Was he rich? Was he energetic? Was he melancholy? Answer these questions without consulting any source of information except Paragraph 8.
- 25 1. Juvenal (47–138 A.D.), the greatest of the Roman satirists. In his *London* and *Vanity of Human Wishes* Johnson imitated Juvenal.
2. "our" means Parliament's.
- 27 1. Blenheim. John Churchill (1650–1722), one of the first military geniuses of England, as a reward for his successes against the French in Flanders was in 1702 made Duke of Marlborough. In 1704, he won the battle of Blenheim, his most famous victory. Among his rewards for this service was a poem by Joseph Addison, entitled *The Campaign*, and Woodstock Manor, a tract twelve miles in circumference, near Oxford, which was presented to him by Parliament, together with £500,000 for the erection of a palace. The estate thus created was renamed Blenheim.
2. Strathfieldsaye is located about fifty miles southwest of London. It was the seat of the Duke of Wellington (1769–1852), the victor of Waterloo and, like Marlborough, one of the first of English generals. He was more fortunate than Marlborough in one respect; he had Tennyson instead of Addison to celebrate his deeds. The former's *Ode on the Death of the Duke of Wellington* is one of the noblest and most stirring patriotic poems in the English language.
3. Charles the Second reigned 1660–1685.
4. Abraham Cowley (1618–1667). During his lifetime he was far more popular than his great contemporary, John Milton (1608–1674). The question, "Who now reads Cowley?" occurs in Pope's *Imitation of the First Epistle of the Second Book of Horace*, line 75. Any person who loves books will find the whole epistle well worth reading. On what principle are the names of the authors arranged in this paragraph? Is it anti-climax or chronology that determines their order?
5. Alexander Pope (1688–1744) was the first poet of his generation. Among his works are the *Essay on Criticism*, *The Rape of the Lock*, the *Essay on Man*, the *Dunciad*, and a poetical translation of Homer.
- 28 1. Lord Bolingbroke (1678–1751), Henry Saint John, was a famous English author, orator, and politician. His writings were witty, irreligious, and superficial. About his only permanent contribution to literature was the sentence,

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"History is philosophy teaching by example." Why does Macaulay select 1814 instead of 1813 or 1815 as the date to mention in the next sentence?

2. **Paternoster Row**, so called because of the prayer-books sold there in early days, is a short street in London just north of St. Paul's Cathedral. It is still the focus of the London book trade.

3. **William Hayley** (1745–1820) was an unmeritorious British poet. In describing the poetry of Hayley's generation, Macaulay, in his *Essay on Byron*, wrote: "Poetry had sunk into such decay that Mr. Hayley was thought a great poet."

4. **David Garrick** (1716–1779), one of the greatest of English actors.

5. **Garrick gave her a benefit.** The performance of Comus took place April 5, 1750. See Boswell's *Johnson*, Chapter vi.

29 **1.** **Jacob Tonson** (1656–1736) was the father of English publishing. He was succeeded by his grand-nephew, Jacob Tonson, 3d, who conducted the business until his death in 1767.

30 **1.** **Henry Fielding** (1707–1754), the Thackeray of the eighteenth century, wrote three great novels,—*Amelia*, *Tom Jones*, and *Joseph Andrews*. The *Oedipus Rex* of Sophocles, Ben Jonson's *Alchemist*, and *Tom Jones* are said by Coleridge to have the three best plots in all literature.

2. **Edward Gibbon's** (1737–1794) *Decline and Fall of the Roman Empire*, though finished in 1788, is still the standard authority for the period he treats, that is, 100 A.D. to 1453 A.D. Some people condemn the book as being irreligious in its tendencies.

3. **Samuel Richardson** (1689–1761), the founder of the English novel, wrote *Pamela* in two volumes, *Clarissa Harlowe* in eight, and *Sir Charles Grandison* in six.

31 **1.** **William Wilberforce** (1759–1833) in 1797 published *A Practical View of the Prevailing Religious System of Professed Christians contrasted with Real Christianity*. It ran through five editions before the end of the year. In 1826 there had been fifteen editions issued in England and twenty-five in America. Wilberforce took a leading part in the fight in Parliament against slavery. He was an intimate friend of Macaulay's father; as a boy Macaulay saw him often. See Trevelyan, *Life of Macaulay*, chapter i.

2. **Mistress Hannah More** (1745–1833) was in her earlier days a popular playwright; but, becoming convinced that the stage was immoral in its tendencies, she ceased to write dramas and devoted herself to the production of moral and religious books. Macaulay had reason to speak affectionately of Miss More: it was at her house that his father and mother first met; she was a stanch champion of them in their love affairs; as a boy Tom spent weeks at a time in her

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- home; and she gave him the money to buy his first books. See Trevelyan, *Life of Macaulay*, chapter 1.
- 32 1. **a blot in the escutcheon.** Boswell's fault in this relation, if fault it was, is well described by Macaulay in his *Essay on Croker's Edition of Boswell's Johnson* and in his *Life of Johnson*. It amounts to this, that Boswell dogged Johnson's steps chiefly for the purpose of making careful notes of his conversation, and thus got himself much laughed at as a parasite and satellite. Carlyle, in his *Essay on Johnson*, which is a kind of veiled answer to Macaulay's attack on Croker, takes the ground that there was in Boswell's adoration of Johnson a capacity for admiring greatness that was in itself essentially noble.
- 33 1. **the finest biographical work.** Wealth and weight of material constitute the greatest merit of Boswell's *Johnson*. Practically all of Boswell's leisure from 1763, when he first met Johnson, down to 1784, when Johnson died, was devoted to the task of getting together facts about Johnson. The resulting book, though in style it is not remarkably good, has ever since enjoyed a reputation that is unique. No such biography had ever before been written and none such will probably be written hereafter, because no man of sufficient ability will be willing to bestow upon the task so much loving care.
2. **Camden's Britannia** was published in 1586. Its full title was *Britain; or a Chorographical Description of the most Flourishing Kingdom of England, Scotland, Ireland, and the Adjacent Islands, from Remote Antiquity*. Its author, William Camden (1551–1623), was a schoolmaster. The book, as a repository of antiquarian and topographical knowledge, has been called "the common sun, whereat our modern writers have all lighted their little torches." It ran through six editions during the author's lifetime and was often reprinted.
3. **John Wesley** (1703–1791) was the founder of the Society of Methodists. He was born at Epworth, in Lincolnshire, England. His influence on the lower classes, who at that time had sunk into a state of dangerous indifference to religion, was the salvation of England. In the course of his life he is said to have preached 40,000 sermons and traveled 300,000 miles. He visited America, 1735–38. The *Life of John Wesley*, by Robert Southey, is a classic.
4. **hundreds of thousands.** In 1837 the "Methodist Connexion" in the British Isles had 384,723 members.
- 34 1. **His journals.** John Wesley began his Journal about 1726 and continued it throughout his career.
2. **The hymns.** In 1738 John and Charles Wesley published *A Collection of Psalms and Hymns*, some of which were original. Of these perhaps the best known is "Jesus, Lover of my Soul," by Charles Wesley.
- 35 1. **Robinson Crusoe** was published, 1719, by Daniel Defoe (1661–1731).

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- 35 2. *The Pilgrim's Progress*, by John Bunyan (1628-1688), was published in 1678. What similarity in the nature of these two books makes it proper and artistic to mention them together?
- 36 1. **divide the House:** i. e., call for a vote. The House of Commons does not vote by ballot. Instead there are two division lobbies, one on each side of the House. The "ayes" pass into the lobby at the right by way of the Speaker's chair and return to the House through the bar; the "not contents," or "noes," pass into the left lobby by way of the bar and return past the Speaker's chair. The parties are thus effectually divided.
2. **be read a second time.** A bill, when presented in the House of Commons, is read and ordered to be printed; and a day is appointed for the second reading. At the second reading of a measure, its principle is discussed; if it is then voted down, it is lost and cannot be revived during that session. If it is approved, it is usually referred to a committee of the whole House for the discussion of details and necessary amendments. The committee then reports it to the House, and a day is set for the third reading. If it passes this, it is sent to the House of Lords. Macaulay's motion, of course, is only a formal proposition to shelve the measure indefinitely. Probably on "this day six months" Parliament would not have been in session.
- 37 1. **Mr. Thomas Greene**, member for Lancaster.
2. **my noble friend.** Lord Mahon, Philip Henry, Fifth Earl of Stanhope (1805-1875), was a distinguished historian. His best-known work is his *History of the War of the Succession in Spain*, which was published 1832, and reviewed January, 1833, in the *Edinburgh Review* by Macaulay. Mahon sat in Parliament, 1832-1852. In 1854 he published a *History of England*, which covers the years 1713-1783, and is regarded as a standard work. Lord Mahon's presence in the House of Commons is explained by the fact that, at this time, he had not succeeded to the earldom; the title of Lord Mahon was merely a courtesy title.
- 40 1. **Madame D'Arblay**, whose maiden name was Frances Burney, was born 1752, and died 1840. Owing to the eminence of her father, Dr. Charles Burney, the author of a *History of Music* and himself a distinguished musician, she met as a child Johnson, Garrick, and Burke. Her first novel, *Erelina*, was published 1778; her second, *Cecilia*, 1782. Both were highly meritorious and successful. Macaulay's *Essay on Madame D'Arblay*, published January, 1843, in the *Edinburgh Review*, is one of the finest biographies in the English language.
2. **Jane Austen** (1775-1817) wrote several novels which are classics. The earliest of these, *Sense and Sensibility*, was published in 1811. The others are *Pride and Prejudice*, *Mansfield Park*, *Emma*, *Northanger Abbey*, and *Persuasion*.

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- Sir Walter Scott was a warm admirer of these books. "*Pride and Prejudice* and the five sister novels," says Trevelyan, "remained without a rival in Macaulay's affections."
- 41** 1. John Dryden (1632–1700), playwright, critic, and poet, was from 1674 until his death the greatest man of letters in England.
2. Richard Flecknoe, a writer who lived in Dryden's day. Dryden and Pope preserved his name from oblivion by satirizing him and his verse. See Dryden's *MacFlecknoe* and Pope's *Dunciad*.
3. Elkanah Settle (1648–1723), an inferior dramatic poet, engaged in controversy with Dryden. He was satirized as Doeg in *Absalom and Achitophel*.
- 42** 1. Edmund Burke (1729–1797), one of the greatest of British orators and statesmen. Augustine Birrell's lecture on Burke is one of the wittiest and most agreeable biographical sketches in the English language.
- 43** 1. Sophocles (495–405 b.c.) was the greatest of the Greek writers of tragedy. Of his hundred plays only seven remain: — the *Antigone*, the *Electra*, the *Trachiniae*, the *Oedipus Rex*, the *Ajax*, the *Philoctetes*, and the *Oedipus at Colonus*.
2. Demosthenes (385–322 b.c.) was the greatest of the Greek orators. His father left him fifteen talents (\$15,000), but his guardians dissipated much of this fortune; at the age of eighteen, he brought suit against them, pleaded his own cause, and secured a verdict. His chief public service was rendered in efforts, 352–342 b.c., to arouse the Greeks against the aggressions of Philip of Macedon. In this connection he delivered eleven great orations; four of these are called Philippi. In 338, Ctesiphon proposed that a crown be given Demosthenes for his services to the state. His rival Aeschines opposed this measure; and, in 330, Demosthenes, in reply, delivered his greatest speech, that *On the Crown*.
3. Marcus Tullius Cicero (106–43 b.c.), the greatest of the Roman orators. His Philippi, directed against Mark Antony, are so called because of the fact that they were modeled on Demosthenes's Philippi. For biographies of Demosthenes and Cicero, see Plutarch's *Lives*.
4. Jean Baptiste Racine (1639–1699), the greatest of the French writers of tragedy. *La Thébaïde*, or *Les Frères Ennemis*, was produced in 1664; he wrote *Athalie*, which Boileau called his best play, 1691. Among modern playwrights, Hallam says he is second only to Shakespeare.
5. Molière was the stage name of Jean Baptiste Poquelin (1622–1673), the greatest writer of French comedies. His first play, *L'Etourdi*, "The Giddy Head," was produced in 1653. *Tartuffe*, perhaps his masterpiece, appeared in 1667. In his own field, Molière is unsurpassed.
6. Miguel D. Cervantes Saävedra (1547–1616), the greatest of Spanish writers. His novel, *Don Quixote*, is pronounced by Lowell one of the five greatest works in all

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literature. The others are Homer's poems, Dante's *Divine Comedy*, Goethe's *Faust*, and Shakespeare's plays. Macaulay said that *Don Quixote* was the best novel in the world.

43 7. Johann Christoph Friedrich Schiller (1759-1805) may, with some reservations, be called the Shakespeare of Germany. *The Robbers* was produced 1777. Between 1799 and 1804 he wrote *Die Jungfrau von Orleans*, *Maria Stuart*, and *Wilhelm Tell*. Though inferior to Goethe's *Faust* in diction, poetical intensity, and weight of thought, these plays have a hold upon the popular heart second only to Shakespeare's. Shakespeare, indeed, was Schiller's model; Racine went for his models to the Greek dramatists.

8. Johann Wolfgang von Goethe (1749-1832), the greatest of German writers. *The Sorrows of Werther*, a novel, was written in 1774. His greatest work, *Faust*, a drama, is in two parts; the first appeared 1806, the second, 1830.

45 1. Jean François Marmontel (1723-1799), a French dramatist, novelist, poet, and critic.

46 1. *The Fairy Queen*, next to *Paradise Lost* the greatest epic poem in the English language, was written by Edmund Spenser (1553-1599) and published 1591-1596.

2. Francis Bacon (1561-1626), Baron Verulam, Viscount St. Albans, was eminent as a statesman, a philosopher, and a writer. All educated people have read his *Essays*. As a philosopher it is claimed for him that the huge material progress of the world since his day is due to the use of the inductive method advocated in his *Instauratio Magna*. The *Novum Organum* ("New Method") is a part of this work and the *De Augmentis Scientiarum* ("On the Advancement of the Sciences") its opening chapter. Macaulay's *Essay On Bacon*, published July, 1837, in the *Edinburgh Review*, is so long that MacVey Napier, its editor, wanted to cut it down, but so brilliant that he was afraid to. In his perplexity he referred the problem to Lord Jeffrey, who settled it by saying that to curtail such a gem to make it fit the *Review* would be like cutting down the Pitt diamond to make it fit the old setting of a dowager's ring.

3. John Locke (1632-1704) finished his *Essay on the Human Understanding* in 1671, but did not publish it until 1690. In this work, which may perhaps without exaggeration be called the cornerstone of the science of psychology, the fundamental idea is that our ideas are not born in us, but are due to environment and reflection; every one can, in other words, train himself, and must do so or remain untrained.

4. Edward Hyde, First Earl of Clarendon (1608-1674), was a celebrated English historian and statesman. He was Chancellor of the Exchequer under Charles I and Prime Minister under Charles II. His *History of the Rebellion and Civil Wars* deals, therefore, with events in which he himself had a share. First published in 1702-04, how much pro-

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tection would it have had under Lord Mahon's proposed law? Under Macaulay's?

- 46 5. David Hume (1711–1776) published his *History of England*, 1754–1761. This work covers the period from the invasion of Julius Cæsar to the abdication of James II (55 B.C. to 1688 A.D.). Well written, though inaccurate, it was until the appearance of Macaulay's *History* the most widely read work of its character in the language. In 1849, Macaulay wrote to a friend: "At last I have attained true glory. As I walked through Fleet Street the day before yesterday, I saw a copy of Hume at a bookseller's window with the following label: 'Only £2 2s. Hume's *History of England* in eight volumes, highly valuable as an introduction to Macaulay.' Alas for poor David!"

6. Adam Smith (1723–1790) published, 1776, his *Wealth of Nations*, a work which is regarded as being to the science of political economy what Euclid is to geometry.

7. Joseph Addison (1672–1719), one of the most graceful and witty writers of light prose that England has produced. His *Spectators* are little essays and stories contributed originally to a paper of that name. Macaulay's *Essay on Addison* and Thackeray's *Lecture on Addison* are good introductions to his works.

8. Waverley. Sir Walter Scott (1771–1832) published his first novel, *Waverley*, 1814.

EXERCISES

These can be done, with one or two exceptions, without reference to any books or writings except the speeches themselves and the Introduction.

1. Describe the status of the debate when Macaulay rose to make his first speech.
2. What considerations had hitherto kept him silent?
3. What considerations now impelled him to speak?
4. Was the question before the House one of expediency or one of right?
5. How does Macaulay seek to prove that a man does not have an indefeasible property in his own ideas?
6. Embody in one sentence the central idea of each paragraph.
7. Are paragraphs 2 and 3 antithetical? If so, explain why.
8. In Paragraph 1, point out an antithesis; in Paragraph 4, a metaphor.
9. How does Macaulay, in Paragraph 5, flatter his audience?
10. Why does patronage render authors public scandals and pests?
11. Why is copyright objectionable? Why is it necessary?
12. What is a monopoly? What is the effect of monopoly?
13. What was the chief article of trade in which the East India Company had a monopoly?

14. In whose reign did Lord Essex live?
15. Explain the inconsistency in which Macaulay caught Talfourd, in Paragraph 7.
16. Does a monopoly of sixty years produce twice as much harm as a monopoly of thirty years?
17. Does a copyright of sixty years produce twice as much harm as a copyright of thirty years?
18. Who was Black Frank?
19. "Would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson?" Why does Macaulay select 1841 instead of 1844?
20. What is the principle of copyright?
21. Describe the change that Talfourd proposed in the law.
22. How much money would this change have taken out of the pockets of Dr. Johnson's readers?
23. How much money would it have put into Dr. Johnson's?
24. What would have become of the difference?
25. Does Macaulay deal in abstractions or in concrete illustrations?
26. Did Talfourd propose that the ownership of books should be bound up in irrevocable entail or that they should be personal property?
27. Contrast the financial circumstances of Jacob Tonson and Milton's granddaughter in 1750.
28. What was the term of copyright in 1750?
29. In case an author's family should retain a copyright, what evil might result?
30. On what ground could they have objected to Gibbon's history, Richardson's novels, Boswell's *Johnson*?
31. What would be the effect of suppressing Wesley's works?
32. What result did Macaulay expect if Talfourd's bill passed?
33. Write an answer to the Speech of 1841.
34. Describe the events that took place between Speech I and Speech II.
35. What effect did Speech I have on Lord Mahon?
36. What is a Committee of the Whole? Why does such an institution exist?
37. What was the principle of Lord Mahon's bill?
38. What objection to that principle had Macaulay?
39. Why did he vote against Talfourd's bill?
40. What was the point at issue, according to Macaulay?
41. How many years of protection did the law give to authors in 1842?
42. How many did Lord Mahon propose?
43. How many did Macaulay propose?
44. What share should chancery have in determining the length of copyright?
45. Did chancery play a larger part in Macaulay's than in Mahon's?
46. To what books would Lord Mahon's plan give the longest terms of protection?
47. Why did Macaulay think forty-two years from publication better than twenty-five years from death?

48. To what books did Macaulay give more protection than Mahon?
49. What is the fundamental idea in Macaulay's first speech?
50. In his second?
51. Which of the speeches is the more constructive?
52. Are Macaulay's arguments sound?
53. Write a reply to his second copyright speech.
54. State in one paragraph the substance of each speech.
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LINCOLN'S ADDRESS AT COOPER UNION

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- 71 1. **The Constitution of the United States.** If you have not recently read this document, do it now before you attempt further to study the speech.
- 72 1. **Their names.** Are they familiar to you? Where can one find them?
 2. **Paragraphs 2-6.** Note how carefully Lincoln here defines his position. A few days after he made this speech, in a conversation with Rev. A. P. Gulliver, whom he met on a train in New England, he said: "I am never satisfied to leave a question until I have bounded it north and bounded it south and bounded it east and bounded it west."
3. **the Northwestern Territory.** If the allusions to the Northwestern Territory and the Confederation are not clear to you, consult your textbook in American history.
4. **Roger Sherman** (1721-1793), shoemaker and statesman, was born at Newton, Massachusetts, and died at New Haven, Connecticut. He was elected, 1774, to Congress, from Connecticut, and was one of the signers of the Declaration of Independence, 1776.
5. **Thomas Mifflin** (1744-1800), of Pennsylvania, was born in Philadelphia; was a delegate to the Continental Congress, 1774; became aide-de-camp to Washington, 1775; served with distinction at Long Island and Trenton; rose to be major-general, 1777; was a member of the Constitutional Convention, 1787; and was governor of Pennsylvania, 1790-1799.
6. **Hugh Williamson** was born in West Nottingham, Pennsylvania, 1735, and died in New York, 1819. He attained distinction as a clergyman, a physician, and a publicist. In the last capacity he sat in Congress in 1784, 1785, and 1786, as a member from North Carolina; was a member of the Constitutional Convention; and was returned to Congress, 1790-93.
- 73 1. **James McHenry** was born in Ireland, 1753; came to Philadelphia, 1771; studied medicine under Dr. Benjamin Rush; served in the Revolution as surgeon; became Washington's secretary, 1778; sat in Congress, 1783-86; was a member of the Constitutional Convention; was Secretary of

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War under Washington and Adams, 1796-1801; and died in Baltimore, 1816. His most conspicuous public service was rendered in inducing Maryland to ratify the Constitution. Fort McHenry, the bombardment of which inspired Francis Scott Key to write the *Star-Spangled Banner*, was named in his honor.

73 2. **William Blount** was born in North Carolina, 1744, and died in Knoxville, Tennessee, 1800. He sat in Congress, 1782-83, and 1786-87. In 1790 he was appointed governor of the territory south of the Ohio River. He was Tennessee's representative in the United States Senate in 1796, but was expelled from that body in 1797 for complicity in a plot to deliver Louisiana to the British.

3. **William Few** was born in Maryland, 1748; studied law; removed to Augusta, Georgia; was a colonel in the Revolutionary War; sat in Congress, 1780-82, and 1785-88; and was a Senator, 1789-93. He died, 1828, at Fishkill, N. Y.

74 1. **a unanimous passage.** For the method of procedure in legislative bodies, consult Cushing's *Law and Practice of Legislative Assemblies* or Jefferson's *Manual of Parliamentary Practice*.

2. **John Langdon** was born in Portsmouth, New Hampshire, 1739, and died there, 1819. In 1777 he gave all his money to equip the brigade with which General Stark captured the Hessians at Bennington. He was in Congress, 1783; governor of New Hampshire, 1788; and United States Senator, 1789-1801.

Nicholas Gilman (1755-1814) was born and died in Exeter, New Hampshire. He served in the Revolution with distinction; sat in Congress, 1786-88 and 1789-97; and was United States Senator from 1805 until his death.

William Samuel Johnson (1727-1819) was born and died in Stratford, Connecticut. He was a delegate to the Stamp-Act Congress in New York, 1765; special agent from Connecticut to Great Britain, 1766-71; United States Senator, 1787-91; and president of Columbia College, 1787-1800. During the Revolution, being unwilling to take up arms against Great Britain, he lived in retirement. In the Constitutional Convention he suggested the organization of the Senate as a separate body. While in England he became an intimate friend of Dr. Samuel Johnson. Oxford made him a D.C.L., 1776, and Yale an LL.D., 1788. By his contemporaries he was considered a perfect orator.

Robert Morris (1734-1806) was born in Liverpool, England. In 1749 he came to America and soon became a prosperous Philadelphia merchant. He was one of the signers of the Declaration of Independence and during the Revolutionary War rendered invaluable service to the cause by his advice as a financier and by his contributions. Owing to the failure of his business operations, he spent several of his later years in a debtors' prison.

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74 **Thomas Fitzsimmons** (1741–1811) was born in Ireland; became a Philadelphia merchant; served in the Revolution; was in Congress, 1782–83, and 1789–95.

Abraham Baldwin, statesman, was born at Guilford, Connecticut, 1754, and died in Washington, D.C., 1807. The chief events of his life were as follows: 1772, graduated from Yale; 1775–79, tutor at Yale; 1784, removed to Savannah, Georgia; elected to state legislature and secured the foundation of the University of Georgia; 1785–99, sat in Congress; 1799–1807, member of United States Senate. He was also for several years president of the University of Georgia.

Rufus King was born at Scarborough, Maine, 1755, and died in New York City, 1827. He was graduated from Harvard, 1777; served in the Revolution; and practiced law until elected, 1784, to Congress. Here he was an active opponent of slavery. He wrote the section of the Ordinance of 1787 relating to slavery and was one of the committee that prepared the final draft of the Constitution. In 1788 he moved to New York and the same year was elected to the United States Senate. Under Washington, John Adams, Jefferson, and John Quincy Adams he was Minister to Great Britain. He originated a plan to extinguish slavery by the purchase and removal of Negroes, the funds to be provided by the sale of public lands.

William Paterson was born at sea, 1745, and died at Albany, New York, 1806. He was graduated at Princeton, 1763; was admitted to the bar, 1769; sat in Congress as a member from New Jersey, 1780–81; was United States Senator, 1789; governor of New Jersey, 1791; and justice of the United States Supreme Court, 1793.

George Clymer (1739–1813), signer of the Declaration of Independence, merchant, and student, was born in Philadelphia and died in Morrisville, Pennsylvania. As a legislator he rendered great services throughout the Revolutionary War, besides contributing freely to the cause of liberty.

Richard Bassett, of Delaware, was United States Senator 1789–93, and Governor of Delaware 1798–1801. He died 1815.

George Read (1733–1798) was born in Cecil County, Maryland, and died at Newcastle, Delaware. He removed to the latter place, 1754; was prominent both before and after the Revolution in state and national polities; was a signer of the Declaration of Independence; and was twice elected United States Senator. He was the author of an address to George III which is said to have interested that monarch to such an extent that he paid it the unique compliment of reading it twice.

Pierce Butler was born in Ireland, 1744. He was descended from the Dukes of Ormond. He served in the British army, 1761–66, but resigned before the Revolution and

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- settled in Charleston, South Carolina. He sat in Congress, 1787, and in the Senate, 1789–96, and 1802–04. His death occurred in Philadelphia, 1822.
- 74** Daniel Carroll was born in Maryland and died in Washington, D.C., 1829. He was a member of Congress, 1780–84, and 1789–91. His farm formed the site of the present city of Washington.
- James Madison.** Why is a note on James Madison superfluous? On what principle, if any, did Lincoln determine the order of these names? Can you better it? For a clear statement of Madison's share in the Convention's labors, see Fiske, *Critical Period of American History*, pp. 228–350.
- 76** 1. **Jonathan Dayton** (1760–1824) was born and died in Elizabethtown, New Jersey. He was graduated from Princeton, 1776; became a lawyer; served in the Revolution; sat in Congress, 1791–99; and was United States Senator from New Jersey, 1799–1805.
2. **the Missouri question.** See *Introduction*, p. 55.
3. **Charles Pinckney** (1746–1825) was born and died in Charleston, South Carolina. He was educated in England. During the Revolutionary War he rendered distinguished services to America, finally attaining the rank of major-general. In 1796 he was appointed United States Minister to France. It was intimated to him that France might grant peace if certain sums were paid by America, a suggestion that drew from him the reply: "Millions for defence, but not one cent for tribute."
4. **by his votes.** As a matter of fact, Pinckney was himself a member of the committee that reported the Ordinance of 1787 and voted consistently against all the amendments that were proposed to it. See *Journal of Congress*, September 29 and October 4, 1786.
- 77 1. **twenty-three.** How many of the twenty-three came from States which, in 1860, still held slaves?
2. **corporal oaths.** A corporal oath is an oath confirmed by touching a sacred object, usually the New Testament. It is called "corporal" (Latin *corpus*, body) to distinguish it from an oath that is merely spoken or written.
- 78 1. **their understanding upon that question.** What reason is there to believe that the remaining sixteen would have agreed with the twenty-three who are on record? Where will you look to find out?
- 79 1. Franklin, and others of the statesmen named, thus commented upon slavery: "That you will be pleased to countenance the restoration of liberty to those unhappy men," etc., Franklin, *Petition to Congress*, February 3, 1790. "It is fatal to religion and morality. . . . It relaxes the sinews of industry and clips the wings of commerce." Hamilton, *Works*, vol. 11, pp. 3, 9. Gouverneur Morris, in the Convention, called slavery a nefarious institution.
2. **Alexander Hamilton** is one of those great Americans of

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whose services to the nation no American can afford to be ignorant. As a soldier in the Revolution, no man possessed more of Washington's confidence. To him as much as to any one was due the movement that resulted in the formation of the Constitution; he took a leading part in the debates of the Convention; and the ratification of the Constitution was brought about largely by the *Federalist*, a paper in which he so ably interpreted the provisions of that instrument that it has ever since been regarded as one of the world's political classics. As Secretary of the Treasury under Washington he performed wonders; Daniel Webster said of him: "He rent the rock of the national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of Public Credit, and it sprung upon its feet." He was born in Nevis, one of the West Indies, in 1757, and was mortally wounded by Aaron Burr in a duel, 1804, at Weehawken, New Jersey. He was an active member of an anti-slavery society formed in New York about 1784.

- 79 3. **Gouverneur Morris** (1752–1816) was born and died at Morrisania, New York. He was graduated from Columbia (then King's) College, 1768; studied law; was admitted to the bar; served America well during the Revolution as legislator and financial expert; was United States Senator, 1800–03; and acted as Minister to France, 1791–94. He wrote much, was an orator, and had some reputation as a wit.

4. **John Rutledge** (1739–1800) was born and died in Charleston, South Carolina. He studied law in England; resisted the Stamp Act; played a prominent part as Governor of South Carolina in the Revolution; and attained such distinction as a jurist that he was made Chief Justice of the United States Supreme Court. He opposed in the Convention the prohibition of the slave trade.

- 80 1. the **Dred Scott case**. See *Introduction*, p. 60.
83 1. **an evil not to be extended**. In a speech at New Haven, March 6, 1860, Lincoln said: "If I saw a venomous snake crawling in the road, any man would say I might seize the nearest stick and kill it; but if I found that snake in bed with my children, that would be another matter. I might hurt the children more than the snake, and it might bite them. . . . But if there was a bed newly made up, to which the children were to be taken, and it was proposed to take a batch of young snakes and put them there with them, I take it no man would say there was any question how I ought to decide.

"That is just the case. The new territories are the newly made bed to which our children are to go, and it lies with the nation to say whether they shall have snakes mixed up with them or not."

- 84 1. **no votes in your section**. Were there any other sectional parties in the campaign of 1860?
2. **we shall get votes**. Lincoln received the following

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vote from the slave States in 1860: Delaware, 3815; Maryland, 2294; Virginia, 1929; Kentucky, 1364; Missouri, 17,028. There was no Republican ticket in any other Southern State.

"Any political creed is radically wrong which cannot be proclaimed in every State and every section of the Union, alike." Stephen A. Douglas, Speech at Alton, Illinois, October 15, 1858.

85 **1. Farewell Address.** Six months before the close of his second term as President, that is, on September 17, 1796, Washington, having refused to serve a third term, issued a Farewell Address to the nation, which is justly regarded as one of our great political classics. In it he says: "In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations Northern and Southern, Atlantic and Western."

2. a confederacy of free States. In the letter to which Lincoln refers, Washington writes: "I have long considered it a most serious evil, both socially and politically, and I should rejoice in any feasible scheme to rid our States of such a burden. . . . I consider it (the Ordinance of 1787) a wise measure. . . . The prevailing opinion in Virginia is against the spread of slavery in our new territories, and I trust we shall have a confederation of free States."

86 **1. Some of you.** This sentence is based on an analysis of the situation in the Democratic party which occurs in an article by Douglas published in *Harper's Magazine*, September, 1859. A convention of Southern States at Vicksburg in 1860 resolved that all laws prohibiting the African slave trade ought to be repealed.

2. reviving the foreign slave-trade. In the National Democratic Convention of 1860, W. P. Gaulden, of Georgia, spoke in favor of reopening the African slave trade. He argued that it was in the nature of Christian missionary work to bring savages as slaves from Africa to America; that it was more humane to do this than to take Negroes from Virginia to Louisiana; that an African Negro at fifty dollars was a better bargain than a Virginia Negro at two thousand dollars; and that a restoration of the trade would preserve the Union because it would enable Southerners to carry slaves into the Territories, a thing which the scarcity of slaves would otherwise render impossible. The Confederate constitution, however, explicitly forbade the foreign slave trade.

3. a congressional slave code. Mr. L. T. Walker, of Alabama, in behalf of the delegation from that State, introduced the following resolution in the National Democratic Convention at Charleston, South Carolina, in April, 1860: "The Congress of the United States has no power to abolish

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Slavery in the Territories, or to prohibit its introduction into any of them."

86 4. to prohibit slavery. Jefferson Davis, February 2, 1860, had introduced in the Senate a resolution providing that neither Congress nor a Territorial legislature had power to prevent a master from taking a slave into a Territory or holding and enjoying his services there. It was carried, 35 to 21, all the Democrats but one voting for it, all the Republicans against.

5. for maintaining slavery. Henry B. Payne, of Ohio, introduced in the National Democratic Convention at Charleston, South Carolina, in April, 1860, the following resolution: "The Democratic party will abide by the decisions of the Supreme Court of the United States on the questions of constitutional law." This referred to the Dred Scott decision.

6. popular sovereignty. A reference to the position of the Douglas Democrats. Lincoln said of Douglas at Columbus, Ohio, September 16, 1859: "He is so put up by nature that a lash upon his back would hurt him, but a lash on anybody else's back does not hurt him."

87 1. John Brown was born at Torrington, Connecticut, in 1800. He grew up with a hatred of slavery which in its intensity resembled the religious fervor of the Puritans of two centuries earlier. In 1855 he settled in Kansas. The next year he won for himself the name of Ossawatomie Brown by defeating a band of Missourians at the place of that name. In 1859, October 16, with about twenty men, he seized Harper's Ferry, Virginia, his aim being to create an uprising of the slaves. The next day he was attacked by Virginia militia and captured after a fight in which nearly all of his men, including two of his sons, were killed and he himself severely wounded. He was tried in November and hanged at Charlestown, Virginia, December 2, 1859.

2. Harper's Ferry enterprise. A committee of three Democrats and two Republicans was appointed by the United States Senate to investigate the John Brown affair. The majority, that is, the Democrats, reported: "It was simply the act of lawless ruffians, under the sanction of no public or political authority — distinguishable only from ordinary felonies by the ulterior ends in contemplation by them." The minority reported that it "was the natural result of the lawless acts of the slave party in Kansas."

3. the Harper's Ferry affair. Douglas from his seat in the Senate denounced the Harper's Ferry affair as "the natural, logical, inevitable result of the doctrines and teachings of the Republican party, as explained and enforced in their platforms, their partisan presses, their pamphlets and books, and especially in the speeches of their leaders in and out of Congress." 36th Congress, 1st Session, p. 553.

4. those elections, i.e., the state elections. "John A.

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Andrew, who presided at a John Brown meeting and said that, whether the enterprise was wise or foolish, 'John Brown himself is right,' was elected governor of Massachusetts by the Republicans in 1860 by a very large majority, his vote falling but 2000 behind that of Lincoln." In New Hampshire the Republicans elected their governor by 4443; in Connecticut, by 541; in Maine, by 18,091; in Vermont, by 22,370; in Pennsylvania, by 32,164; and in Indiana, by 9759. They lost Rhode Island by 1460.

- 88 1. about your slaves. The Republican platform of 1860 asserted that the rights of the States should be maintained inviolate. Pollard, in his *Lost Cause*, p. 80, says of Lincoln's election: "In the face of this sectional triumph there was plainly no protection for the South in the future." Yet Lincoln had said at Cincinnati, September 17, 1859: "We mean to leave you alone, and in no way to interfere with your institution; to abide by all and every compromise of the Constitution."

2. Black Republicanism. "The famous Republican party — popularly called the Black Republican party — which was indeed identical with the Abolition party in its sentiment of hostility to slavery, and differed from it only as to the degree of indirection by which its purpose might best be accomplished." Pollard, *The Lost Cause*, p. 65. "No bitterer or more offensive calumny could be uttered against them [the Southern people] than is expressed in denouncing their system of slavery and polygamy as 'twin relics of barbarism.'" C. C. Clay, of Alabama, Speech in United States Senate, 1860. The phrase "twin relics of barbarism" occurs in the Republican platform of 1856.

3. the Southampton insurrection occurred in Southampton County, Virginia, in August, 1831, under the leadership of a Negro named Nat Turner. More than sixty white persons, most of them women and children, were massacred. It was believed at the time, both at the North and at the South, that the uprising was due directly to the Abolitionists. This they denied. Indirectly, however, their repudiation of vested rights and the violence of their language undoubtedly had a tendency to excite insurrection. See Burgess, *Middle Period*, pp. 248-49; and Drewry, *Southampton Insurrection*.

- 89 1. the slave revolution in Hayti. When the French Revolution began in 1789, Hayti belonged to France. The population then consisted of 30,000 whites, 20,000 free people of color, and 500,000 slaves. In 1791 the insurrection to which Lincoln refers broke out. It was, as he implies, not a slave uprising like the Southampton affair, but was instigated by the French governor, its object being to uphold the Republican government of France against Spain, England, and the Haytian aristocracy. Under the leadership of Toussaint L'Ouverture, a full-blooded Negro, it was com-

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pletely successful. For an eloquent discussion of the career of this remarkable man, consult Wendell Phillips's *Speeches*, vol. I, pp. 468-94.

89 2. **The Gunpowder Plot.** In 1604, the Catholics of England, rendered desperate by the severe measures of the Government against them and their religion, filled a cellar under the Parliament House with barrels of gunpowder and placed in charge of it Guido Fawkes, a soldier of fortune, their purpose being to blow up both King James and the Parliament on November 5, when Parliament was to assemble to hear the Speech from the Throne. At the last moment the plot was revealed by Tresham, one of the conspirators, who warned a relative of his, Lord Monteagle, not to be present.

3. **In the language of Mr. Jefferson.** In 1769 the Virginia legislature enacted a law forbidding the further importation of slaves. George III ordered the governor to veto this. In Jefferson's first draft of the Declaration of Independence, this action of the King was made the occasion of a fierce denunciation of slavery, but it was suppressed in deference to the prejudices of South Carolina and Georgia. See Fiske, *Critical Period*, pp. 72 and 198. See also Jefferson's *Autobiography*, vol. I, p. 49, of his collected works. He began to write this document January 6, 1821.

4. **pari passu:** with equal progress. This Latin quotation is perhaps a concession to Lincoln's audience. Out in Illinois, he said, when asked in court to assent to the truth of a Latin maxim: "If that is Latin, I think you had better call another witness."

90 1. **the assassination of kings.** "Assassination has never changed the history of the world." Benjamin Disraeli (Earl Beaconsfield), Speech of May, 1865.

2. **Felice Orsini** was born at Meldola, Forti, Italy, 1819. He tried to assassinate the Emperor Louis Napoleon by a bomb, January 14, 1858. He was executed at Paris, March 13, 1858.

3. **Hinton Rowan Helper**, a poor-white of North Carolina, in 1857 published *The Impending Crisis of the South*, in which he sought to show and did show that slavery was ruinous on economical grounds to the South. Its abolition, he held, would foster manufactures and commerce, increase the value of land, and give the poor-whites a larger market. Cities would grow, schools would be established, and a marked rise in the social scale for them and their children would result. Had the poor-whites been convinced by these arguments, which were undeniably sound, the book would have settled the slavery question, for not more than 325,000 of the 8,000,000 whites in the South were slave owners. The reasoning of the book frightened the slaveholders, and the intemperance of its language enraged them to such an extent that one of them declared that any one who lent his name

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- and influence to the propagation of such writings was not fit to live. The Republicans, however, used it in 1860 as a campaign document, circulating about 140,000 copies. Probably no other book, except *Uncle Tom's Cabin*, had a greater influence on the settlement of the slavery question.
- 90 **4. a million and a half of votes.** In the Presidential election of 1856, Frémont, the Republican candidate, received 1,341,264 votes.
- 91 **1. break up the Union.** "All this talk about the dissolution of the Union is humbug, nothing but folly. We do not want to dissolve the Union; you shall not." Lincoln, Speech at Galena, Illinois, August 1, 1856.
- 2. rule or ruin.** Pollard (*The Lost Cause*, p. 80), in speaking of Lincoln's election to the Presidency, says: "In the face of this sectional triumph there was plainly no protection for the South in the future. There was none in power, for the political strength of the North was now beyond dispute. There was none in public opinion, for that, all the political history of America showed, was the slave of the majority. There was none in the courts, for the Dred Scott decision had been denounced in the Chicago platform as a dangerous heresy and the doctrine upon which Mr. Lincoln had been elected had been actually declared illegal by the supreme judicial authority of the country."
- "Slavery must be maintained — in the Union, if possible; out of it, if necessary; peaceably, if we may; forcibly, if we must." Senator Iverson, of Georgia.
- 93 **1. To show all this.** See Madison's *Journal of the Federal Convention*. The proceedings of the Convention were held behind closed doors and under an oath of secrecy, and it was only after the death of Madison in 1836, he being the last survivor of the members of the Convention, that his journal was published. It can be found in Elliott's *Debates*, vol. v. On p. 477 of that volume occurs this passage: "Col. Mason was not against using the term 'slaves.' . . . Mr. Sherman liked a description better than the terms proposed, which had been declined by the old Congress, and were not pleasing to some people."
- 94 **1. We know they will not.** Senator Toombs, of Georgia, in 1860 maintained in the Senate that the laws of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, Ohio, Rhode Island, Vermont, and Wisconsin for the exclusion of slavery, though in accord with the constitutions of those States, were contrary to the Constitution of the United States.
- 95 **1. Senator Douglas's new sedition law.** On Jan. 16, 1860, Douglas presented the following resolution in the Senate: "That the Committee on the Judiciary be instructed to report a bill for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and

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punishment of conspiracies or combinations in any State or Territory with intent to invade, assail, or molest the government, inhabitants, property, or institutions of any State or Territory of the Union." See *Congressional Globe*, 1859-60.

- 95 **2. our free State constitutions.** The provisions against slavery in the constitutions of the free States are mostly copied from or based on that in the Ordinance of 1787, which is as follows: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." "Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State." Constitution of California, Article 1, Section 18; Constitution of Michigan, Article xviii, Section 11.

See what your own State Constitution says on the subject.

- 96 **1. morally right and socially elevating.** "Policy, humanity, and Christianity alike forbid the extension of the evils of free society to new people and coming generations." *Richmond Enquirer*, January 22, 1856. "It is now the almost universal belief in the South, that it has the effect of ennobling both races." Senator Mason, of Virginia.

2. thinking it right. "Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy." Lincoln, New Haven Speech, March 6, 1860.

"It is none of our business in Illinois whether Kansas is a free State or a slave State." Stephen A. Douglas, Speech at Alton, Illinois, October 15, 1858.

- 97 **1. all true men do care.** "Its leading advocate [Douglas] has said: 'I don't care whether it be voted up or down.' 'It is merely a matter of dollars and cents.' 'The Almighty has drawn a line across this continent, on one side of which all soil must forever be cultivated by slave labor, and on the other by free.' 'When the struggle is between the white man and the Negro, I am for the white man; when it is between the Negro and the crocodile, I am for the Negro.' Its central idea is indifference. It holds that it makes no more difference whether the Territories become free or slave States than whether my neighbor stocks his farm with horned cattle or puts it into tobacco. All recognize this policy, the plausible, sugar-coated name of which is 'popular sovereignty.'" Lincoln, Speech at New Haven, March 6, 1860.

2. what Washington did. Washington said he trusted that we should yet have a confederacy of free States. As President he approved and signed an act of Congress enforcing the prohibition of slavery in the Northwestern Territory.

3. false accusations against us. "We must not call it wrong in the Free States, because it is not there, and we must not call it wrong in the Slave States, because it is there; we

must not call it wrong in politics, because that is bringing morality into politics, and we must not call it wrong in the pulpit, because that is bringing politics into religion."

Lincoln, Speech at New Haven, March 6, 1860.

EXERCISES

The answers can all be found in the speech itself and in the Introduction.

1. State the substance of Lincoln's text.
2. Was the Democratic party divided in 1860? How and why?
3. What is the frame of government under which we live?
4. Who were our "fathers" that framed the Constitution?
5. When was the Constitution framed?
6. What was the point at issue between Lincoln and Douglas?
7. What occurred in 1784, 1787, and 1789 to show that some of the fathers were on Lincoln's side?
8. On which side was George Washington? How do we know?
9. Did Georgia and Alabama in any way show that they believed Congress had power to control as to slavery in the Territories?
10. What happened in 1798, 1803, and 1819-20 to show that Congress had power to control as to slavery in the Territories?
11. How many of the "fathers" were there?
12. How many are on record as thinking as Lincoln thought?
13. Is it safe to assume that the others thought otherwise?
14. Does this prove that they thought it unconstitutional?
15. On what provision in the Constitution did the South in 1860 take its stand?
16. On what provision did the Northern Democrats base their position?
17. Are we bound in all cases to do what the "fathers" did?
18. May we differ from them on the question of congressional prohibition of slavery in the Territories?
19. Did Lincoln think that any man, in 1860, had a right to maintain that the Constitution forbids Congress to control as to slavery in the Territories?
20. What had Douglas said that he had no right to say?
21. What should he have said?
22. Explain what the Republicans of 1860 asked?
23. Did Lincoln consider the Southerners unreasonable?
24. What adjective did they usually apply to the Republicans?
25. What charge did they bring against the Republican party?
26. How does Lincoln meet this charge?
27. What does he mean by the "Republican principle"?
28. How does Lincoln refute the claim that Washington thought sectional parties dangerous?
29. Which party, in 1860, was conservative? Why?
30. Was there any difference of opinion among the Democrats?

31. Who was responsible for the prominence of the slavery question in 1860?
32. Were the Republicans responsible for the Harper's Ferry affair?
33. How did the slaves know that there was a Republican party?
34. What proof is there that the Southampton insurrection was not got up by "Black Republicans"?
35. Give reasons why a general slave insurrection in the South was not likely, in 1860, to occur or to succeed?
36. Was the power of emancipation in the Federal Government in 1860?
37. Did the Federal Government have power at that time to prevent a slave insurrection anywhere?
38. What were Thomas Jefferson's views regarding the deportation of slaves?
39. Discuss the philosophy of John Brown's effort.
40. How much anti-slavery sentiment was there in the United States in 1860?
41. What constitutional right of the South, if any, did the Republicans deny?
42. State in your own language Lincoln's arguments to show that the Dred Scott decision was not fully binding.
43. How many times does the word "slave" occur in the Constitution of the United States?
44. Does the Constitution recognize slaves as persons or as property?
45. Is the temper of Lincoln's speech conciliatory or otherwise? Point out the passages on which your opinion rests.
46. What did the South in 1860 demand?
47. How far did Lincoln think the South would ultimately go in its demands? Why?
48. What was the only ground on which the Republicans could justifiably refuse to grant these demands?
49. What was the precise fact on which depended the whole controversy?
50. Could the Republicans yield?
51. Was there no middle ground?
52. Did Lincoln propose to disturb slavery in the South? Why?
53. What is the most impressive sentence in the speech?

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